



THE CONSTITUTION

OF THE

REPUBLIC OF PAKISTAN

PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI

THE MANAGER, GOVERNMENT OF PAKISTAN PRESS, KARACHI : 1962.

Price : Re. 1

12. Term of office of President.
13. Impeachment of President before National Assembly.
14. Removal of President on grounds of incapacity.
15. Medical Board in relation to incapacity of President.
16. Acting President.
17. President to have Supreme Command of the Defence Services.
18. Pardons and reprieves.

CHAPTER 2.—THE CENTRAL LEGISLATURE.

21—27

19. Central Legislature.
20. Composition of National Assembly.
21. Duration of National Assembly.
22. Summoning and prorogation of National Assembly.
23. Dissolution of National Assembly.
24. Referendum in case of difference of opinion between President and National Assembly.
25. Right of address, etc., of President, Ministers and Attorney-General in National Assembly.
26. Preventive detention.
27. Assent to Bills.
28. Acts of Central Legislature.
29. Legislative powers of President when Assembly not in session.
30. Legislative powers of President in an Emergency.

CHAPTER 3.—THE CENTRAL GOVERNMENT.

27—28

31. Executive authority of Republic vests in President.
32. Execution of instruments, etc.

ARTICLES	PAGE
33. President's Council of Ministers.	
34. Oath of Office of Ministers.	
35. Parliamentary Secretaries.	
36. Attorney-General.	
 CHAPTER 4.—FINANCIAL PROCEDURE OF THE CENTRE. 28—36	
37. Central Consolidated Fund.	
38. Custody, etc., of public moneys of Central Government.	
39. Expenditure charged upon Central Consolidated Fund.	
40. Annual Budget Statement.	
41. Procedure of Assembly in relation to Annual Budget Statement.	
42. Estimates for projects extending over several years.	
43. Authorized expenditure.	
44. Supplementary and Excess Budget Statements.	
45. Provision for unexpected expenditure.	
46. Expenditure from Central Consolidated Fund pending authentication of Schedule of Authorized Expenditure.	
47. Money Bills.	
48. Tax to be imposed only by law.	
 CHAPTER 5.—THE SUPREME COURT OF PAKISTAN. 37—41]	
49. Establishment and constitution of Supreme Court.	
50. Appointment of Supreme Court Judges.	
51. Oath of Office.	
52. Retiring age.	
53. Acting Chief Justice.	
54. Acting Judges.	

ARTICLES**PAGE**

- 97. Seats of the High Courts.
- 98. Jurisdiction of High Courts.
- 99. Transfer of High Court Judges.
- 100. Decision of High Court binding on subordinate Courts.
- 101. Rules of procedure.
- 102. High Court to superintend subordinate Courts.

**Part V.—PROVISIONS APPLICABLE GENERALLY
TO THE CENTRE AND THE PROVINCES.**55—68¹**CHAPTER 1.—THE CENTRAL AND PROVINCIAL
LEGISLATURES.**

55—61

- 103. Qualification of members.
- 104. Cessation of membership of an Assembly upon becoming disqualified.
- 105. Person not to be candidate for two seats, etc.
- 106. Oath of members of an Assembly.
- 107. Seat in Assembly becomes vacant in certain circumstances.
- 108. Speakers and Deputy Speakers.
- 109. Sessions of the Assemblies.
- 110. Rules of procedure, quorum, etc.
- 111. Privileges, etc., of Assemblies.
- 112. Instruction in law-making.
- 113. Conduct of members.
- 114. Provisions as to recommendations.

**CHAPTER 2.—THE CENTRAL AND PROVINCIAL
GOVERNMENTS.**

61—65

- 115. President, Governors, and Ministers not to hold office of profit or engage in paid employment.

ARTICLES	PAGE
116. Protection of President and Governors in respect of legal proceedings during office.	
117. President, Governors and Ministers not answerable for official acts, etc.	
118. Tenure of office, etc., of Governors, of Ministers and Parliamentary Secretaries appointed by President, and of Attorney-General.	
119. Tenure of office, etc., of Ministers and Parliamentary Secretaries appointed by Governor, and of Advocates-General.	
120. Office of Parliamentary Secretary does not affect membership of an Assembly.	
121. Disqualification of Governor or Minister appointed by President from public office.	
122. Disqualification of Minister appointed by Governor from public office.	

CHAPTER 3.—THE CENTRAL AND PROVINCIAL JUDICATURES.

65—68

- 123. Contempt of Court.
- 124. Remuneration, etc., of Judges.
- 125. Resignation.
- 126. Judge not to hold office of profit, etc.
- 127. Officers and servants of Courts.
- 128. Supreme Judicial Council.
- 129. Establishment of other Courts.
- 130. Jurisdiction to be expressly conferred.

Part VI.—RELATIONS BETWEEN THE CENTRE AND THE PROVINCES.

68—76

- 131. Central law-making powers.
- 132. Provincial law-making powers.
- 133. Responsibility of Legislatures to make laws within legislative power.

- 134. Inconsistency of laws.
- 135. Extent of executive authority of Central Government.
- 136. Extent of executive authority of Provincial Governments.
- 137. Property of the Central and Provincial Governments exempted from taxation.
- 138. Grants-in-aid to Provincial Governments.
- 139. Borrowing by the Central Government.
- 140. Borrowing by the Provinces, etc.
- 141. Provincial taxes in respect of professions, etc.
- 142. Inter-Provincial trade.
- 143. Delegation of powers to Provinces.
- 144. National Finance Commission.
- 145. National Economic Council.
- 146. Ownerless property, etc.

Part VII.—ELECTIONS.

77—85

**CHAPTER 1.—CHIEF ELECTION COMMISSIONER AND
ELECTION COMMISSIONS.**

77—79

- 147. Chief Election Commissioner.
- 148. Commissioner's Oath of Office.
- 149. Salary and allowances of Commissioner.
- 150. Term of office of Commissioner.
- 151. Commissioner not to hold office of profit, etc.
- 152. Acting Commissioner.
- 153. Election Commission.
- 154. Officers and servants.

ARTICLES

PAGE

CHAPTER 2.—THE ELECTORAL COLLEGE AND THE CONSTITUENCIES.

79—81

- 155. Electoral units.
- 156. Electoral rolls.
- 157. Adult franchise.
- 158. Electoral College of Pakistan.
- 159. Oath of Electors.
- 160. Provincial Constituencies.
- 161. Central Constituencies.
- 162. Zones for purposes of elections to seats reserved for women.
- 163. Executive authorities to assist Commissioner and Commission.

CHAPTER 3.—CONDUCT OF ELECTIONS AND REFERENDUMS.

81—85

- 164. Manner of conducting elections.
- 165. Presidential elections.
- 166. Re-election of President.
- 167. Joint sitting to select three candidates at Presidential election.
- 168. Assembly Elections.
- 169. Election of women members.
- 170. Casual vacancies.
- 171. Disputed elections.
- 172. Secret ballot.
- 173. Restriction on canvassing for votes; meetings between candidates and constituents.

ARTICLES	PAGE
Part VIII.—THE SERVICES OF PAKISTAN.	86—93
CHAPTER 1.—TERMS AND CONDITIONS OF SERVICE, ETC.	86—89
174. Terms and conditions of service to be regulated by law.	
175. Persons in public service to be citizens.	
176. Tenure of office of persons in services, etc.	
177. Removal from office, etc.	
178. Appointments to civil posts, etc.	
179. Temporary employees.	
CHAPTER 2.—THE PUBLIC SERVICE COMMISSIONS.	89—93
180. Public Service Commissions.	
181. Composition of Public Service Commissions.	
182. Appointment, etc., of members of Public Service Commissions.	
183. Oath of Office.	
184. Term of Office.	
185. Functions of Central Public Service Commission.	
186. Functions of Provincial Public Service Commission.	
187. Reference by Province to the Central Commission.	
188. Commission to be advised when advice not acceptable.	
189. Annual Report.	
190. Definition.	
Part IX.—THE COMPTROLLER AND AUDITOR-GENERAL.	93—95
191. Comptroller and Auditor-General of Pakistan.	
192. Oath of Office.	
193. Term of Office.	

ARTICLES	PAGE
194. Comptroller and Auditor-General not to hold office of profit, etc.	
195. Acting Comptroller and Auditor-General.	
196. Functions.	
197. Form of public accounts.	
198. Reports to be laid before Assemblies.	
Part X.—ISLAMIC INSTITUTIONS.	
199. The Council.	95—97
200. Constitution of Council.	95—97
201. Appointment of members.	95—97
202. Term of Office.	95—97
203. Chairman.	95—97
204. Functions of Council.	95—97
205. Rules of procedure.	95—97
206. Definition.	95—97
CHAPTER 1.—ADVISORY COUNCIL OF ISLAMIC IDEOLOGY.	
207. Islamic Research Institute.	97
CHAPTER 2.—ISLAMIC RESEARCH INSTITUTE.	
208. Amendment by Act of Central Legislature.	97—99
209. Assent of President.	97—99
210. Amendment affecting limits of a Province.	97—99
Part XI.—AMENDMENT OF CONSTITUTION.	
211. The Capitals.	99—121
212. Personal liability does not attach in relation to Government contracts.	99—121
Part XII.—MISCELLANEOUS.	
CHAPTER 1.—GENERAL.	
213. The Capitals.	99—104
214. Personal liability does not attach in relation to Government contracts.	99—104

ARTICLES**PAGE**

- 213. Actions by and against the State.
- 214. Remuneration of President, etc.
- 215. National languages.
- 216. Special provisions in relation to major ports and aerodromes.
- 217. Limitation on ownership of areas of land.
- 218. Failure to comply with requirement as to time does not render an act invalid.
- 219. Oaths of office.
- 220. Private armies forbidden.
- 221. Provision relating to the State of Jammu and Kashmir.
- 222. Government of territories outside Provinces.
- 223. Tribal Areas.

**CHAPTER 2.—COMMENCEMENT OF CONSTITUTION, AND
REPEAL AND CONTINUANCE OF LAWS.**

104—106

- 224. Commencement.
- 225. Continuance in force of certain laws and repeal of other laws.

**CHAPTER 3.—TRANSITIONAL AND TEMPORARY
PROVISIONS.**

106—115

- 226. First President.
- 227. Performance of interim functions by President, Governors and Judges before commencing day.
- 228. First Elections.
- 229. Elections and referendums.
- 230. Terms of first National Assembly and Provincial Assemblies.
- 231. Rules of procedure of Assemblies.
- 232. Vesting of property, assets, rights, liabilities and obligations.
- 233. Transfer of railways to Provinces.

ARTICLES	PAGE
234. Continuance in office of persons in service of Pakistan, etc.	
235. Transitional financial provisions.	
236. Accounts not audited before commencing day.	
237. Continuance of taxes.	
238. Defence Minister to be a senior officer of Defence Services.	
239. Representation of Punjab in Assembly of West Pakistan.	
240. Preservation of service recruitment quotas.	
241. Nationals of Jammu and Kashmir.	
CHAPTER 4.—INTERPRETATION.	
	115—121
242. Definitions.	
243. Gregorian calendar to be used.	
244. Security of Pakistan.	
245. Masculine includes female, and singular includes plural.	
246. President succeeding himself in office.	
247. Person acting in office not to be regarded as successor to previous occupant of office, etc.	
248. Meaning of declaration of result of election.	
249. Third Schedule.	
250. Effect of repeal of laws.	
THE SCHEDULES	
	122—134
First Schedule—Oaths of Office.	122—127
Second Schedule—Remuneration and Terms and Conditions of Service of Judges.	128
Third Schedule—Matters with respect to which the Central Legislature has exclusive power to make laws.	129—134

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْمِ

(IN THE NAME OF ALLAH,
THE BENEFICENT, THE MERCIFUL.)

THE CONSTITUTION OF THE REPUBLIC OF PAKISTAN.

PREAMBLE.

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority exercisable by the people is a sacred trust :

And whereas the founder of Pakistan, Quaid-i-Azam Mohammad Ali Jinnah, expressing the will of the people, declared that Pakistan should be a democratic State based on Islamic principles of social justice :

And whereas the territories now and hereafter included in Pakistan should be a form of federation with the Provinces enjoying such autonomy as is consistent with the unity and interest of Pakistan as a whole :

And whereas it is the will of the people of Pakistan that—

- (a) the State should exercise its powers and authority through representatives chosen by the people ;
- (b) the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, should be fully observed in Pakistan ;
- (c) the Muslims of Pakistan should be enabled, individually and collectively, to order their lives in accordance with the teachings and requirements of Islam ;

Part II.—PRINCIPLES OF LAW-MAKING AND OF POLICY.

CHAPTER I.—PRINCIPLES OF LAW-MAKING.

Principles of Law-making.

5. The Principles set out in this Chapter shall be known as the Principles of Law-making and it is the responsibility of each legislature to ensure that a proposed law is not made by it if the proposed law disregards, violates or is otherwise not in accordance with those Principles.

Responsibility with respect to Principles of Law-making.

6. (1) The responsibility of deciding whether a proposed law does or does not disregard or violate, or is or is not otherwise in accordance with, the Principles of Law-making is that of the legislature concerned, but the National Assembly, a Provincial Assembly, the President or the Governor of a Province may refer to the Advisory Council of Islamic Ideology for advice any question that arises as to whether a proposed law disregards or violates, or is otherwise not in accordance with, those Principles.

(2) The validity of a law shall not be called in question on the ground that the law disregards, violates or is otherwise not in accordance with the Principles of Law-making.

PRINCIPLES OF LAW-MAKING.

1.—Islam.

No law should be repugnant to Islam.

2.—Equality of Citizens.

1. *All citizens should be equal before the law, be entitled to equal protection of the law and be treated alike in all respects.*

2. *This Principle may be departed from where—*

(a) *in the interest of equality itself, it is necessary to compensate for existing inequalities, whether natural, social, economic or of any other kind ;*

(b) *in the interest of the proper discharge of public functions, it is necessary—*

(i) *to give to persons performing public functions powers, protections or facilities that are not given to other persons ; or*

- (ii) to impose on persons performing public functions obligations or disciplinary controls that are not imposed on other persons ; or
- (c) it is necessary in the interest of the security of Pakistan or otherwise in the interest of the State to depart from this Principle,

but, where this Principle is departed from, it should be ensured that no citizen gets an undue preference over another citizen and no citizen is placed under a disability, liability or obligation that does not apply to other citizens of the same category.

3. This Principle shall not be construed as preventing a legislature from making laws different from laws made by any other legislature.

3.—Freedom of Expression.

1. No law should impose any restriction on the freedom of a citizen to give expression to his thoughts.

2. This Principle may be departed from where it is necessary so to do—

- (a) in the interest of the security of Pakistan ;
- (b) for the purpose of ensuring friendly relations with foreign States ;
- (c) for the purpose of ensuring the proper administration of justice ;
- (d) in the interest of public order ;
- (e) for the purpose of preventing the commission of offences ;
- (f) in the interest of decency or morality ;
- (g) for the purpose of granting privilege, in proper cases, to particular proceedings ; or
- (h) for the purpose of protecting persons in relation to their reputation.

4.—Freedom of Association.

1. No law should impose any restriction on the freedom of citizens to assemble peacefully and without arms, or to form associations or unions.
2. This Principle may be departed from where it is necessary so to do—
 - (a) in the interest of the security of Pakistan ;
 - (b) in the interest of public order ;
 - (c) for the purpose of preventing the commission of offences ;
 - (d) in the interest of decency or morality ; or
 - (e) for the purpose of protecting persons in relation to their health or property.

5.—Freedom of Movement and Right to Acquire Property.

1. No law should impose any restriction—
 - (a) on the freedom of a citizen to move throughout Pakistan or to reside or settle in any part of Pakistan ; or
 - (b) on the freedom of a citizen to acquire, hold or dispose of property in any part of Pakistan.
2. This Principle may be departed from where it is necessary so to do in the public interest.

6.—Freedom to Follow Vocation.

1. No law should impose any restriction on the freedom of a citizen to engage in any profession, trade, business, occupation or employment, or otherwise to follow the vocation of his choice.
2. This Principle may be departed from where it is necessary so to do—
 - (a) in the interest of the security of Pakistan ;
 - (b) in the interest of decency or morality ;

- (c) for the purpose of regulating, in the public interest, any profession or trade by a licensing system ;
- (d) for the purpose of ensuring, in the public interest, that, where a profession or trade requires special qualifications or skill, only persons possessing those qualifications or that skill engage in the profession or trade ;
- (e) for the purpose of ensuring, in the public interest, that a trade, business, industry or service may be carried on by or on behalf of the State or an organ of the State to the exclusion, in whole or in part, of other persons ; or
- (f) for the purpose of ensuring, in the public interest, the development of Pakistan and of its resources and industries.

7.—Freedom of Religion.

No law should—

- (a) prevent the members of a religious community or denomination from professing, practising or propagating, or from providing instruction in, their religion, or from conducting institutions for the purposes of or in connection with their religion ;
- (b) require any person to receive religious instruction, or to attend a religious ceremony or religious worship, relating to a religion other than his own ;
- (c) impose on any person a tax the proceeds of which are to be applied for the purposes of a religion other than his own ;
- (d) discriminate between religious institutions in the granting of exemptions or concessions in relation to any tax ; or
- (e) authorize the expenditure of public moneys for the benefit of a particular religious community or denomination except moneys raised for that purpose.

8.—Safeguards in Relation to Arrest and Detention.

1. A law authorizing the arrest or detention of persons should ensure that a person arrested or detained under the law—

- (a) *is informed of the grounds of his arrest or detention at the time he is arrested or detained or as soon thereafter as is practicable ;*
- (b) *is taken before the nearest Magistrate within a period of twenty-four hours after he is arrested or detained, excluding the time necessary to convey him to the Magistrate ;*
- (c) *is released from custody at the expiration of that period unless further detention is authorized by a Magistrate ; and*
- (d) *is at liberty to consult, and to be represented and defended by, a legal practitioner of his choice.*

2. This Principle does not apply to a law authorizing the arrest or detention of enemy aliens or providing for preventive detention, but a law providing for preventive detention—

- (a) *should be made only in the interest of the security of Pakistan or of public safety ;*
- (b) *should ensure that (except where the President or the Governor of a Province, in the interest of the security of Pakistan, directs otherwise) a person detained under the law is informed of the grounds of his detention at the time he is detained or as soon thereafter as is practicable ; and*
- (c) *should ensure that a person is not detained under the law for a period longer than three months without the authority of a Board consisting of—*
 - (i) *where the law is a Central Law—a Judge of the Supreme Court, who shall be nominated by the*

Chief Justice of that Court, and another senior officer in the service of Pakistan, who shall be nominated by the President ; or

- (ii) *where the law is a Provincial Law—a Judge of the High Court of the Province concerned, who shall be nominated by the Chief Justice of that Court, and another senior officer in the service of Pakistan, who shall be nominated by the Governor of that Province.*

9.—Protection against Retrospective Punishment.

No law should authorize—

- (a) *the punishment of a person for an act or omission that was not punishable by law at the time of the act or omission ; or*
- (b) *the punishment of a person for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.*

10.—Regulation of Compulsory Acquisition of Property.

1. *No law should authorize the compulsory acquisition, or the compulsory taking possession, of property except for a public purpose.*

2. *A law that authorizes the compulsory acquisition, or the compulsory taking possession, of property should provide for the payment of compensation for the property, and either fix the amount of the compensation or specify the principles on which, and the manner in which, the compensation is to be determined.*

3. *These Principles may be departed from—*

- (a) *for the purpose of permitting the destruction, the acquisition or the taking possession of property in order to prevent or reduce danger to life, health or property ;*

- (b) for the purpose of ensuring the proper management, for a limited period, of any property for the benefit of its owner ; or
- (c) in relation to property which is or is deemed to be evacuee property under any law.

4. For the purpose of these Principles, "public purpose" includes the purpose of acquiring, in the public interest, any industrial, commercial or other undertaking which is of benefit to the public, any interest in such an undertaking or any land for use in connection with such an undertaking.

11.—Protection against Forced Labour.

- 1. No law should permit forced labour in any form.
- 2. This Principle may be departed from in relation to—
 - (a) the punishment of persons for offences against the law ; and
 - (b) the compulsory service of persons for public purposes or otherwise in the public interest (whether by way of conscription or in any other way).

12.—Public Educational Institutions.

1. No law should, on the ground of race, religion, caste or place of birth, deprive any citizen of the right to attend any educational institution that is receiving aid from public revenues.

2. This Principle may be departed from for the purpose of ensuring that a class of citizens that is educationally backward shares in available educational facilities.

13.—Access to Public Places.

No law should deny to any person access to a public place (other than a place intended solely for religious purposes) on the ground of race, religion, caste or place of birth.

14.—Protection of Languages, Scripts and Cultures.

No law should prevent any section of the community from having a distinct language, script or culture of its own.

15.—Protection against Slavery.

No law should permit or in any way facilitate the introduction into Pakistan of slavery in any form.

16.—Practice of Untouchability Forbidden.

No law should permit or in any way facilitate the introduction into Pakistan of the practice of untouchability in any form.

CHAPTER 2.—PRINCIPLES OF POLICY.

7. (1) The Principles set out in this Chapter shall be known as the Principles of Policy and it is the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles in so far as they relate to the functions of the organ or authority.

**Principles of
Policy.**

(2) In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of resources.

8. (1) The responsibility of deciding whether any action of an organ or authority of the State, or of a person performing functions on behalf of an organ or authority of the State, is in accordance with the Principles of Policy is that of the organ or authority of the State, or of the person, concerned.

**Responsibility
with respect
to Principles
of Policy.**

(2) The validity of an action or of a law shall not be called in question on the ground that it is not in accordance with the Principles of Policy, and no action shall lie against the State, any organ or authority of the State or any person on such a ground.

PRINCIPLES OF POLICY.

1.—Islamic Way of Life.

1. The Muslims of Pakistan should be enabled, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam, and should be provided with facilities whereby they may be enabled to understand the meaning of life according to those principles and concepts.

2. The teaching of the Holy Quran and Islamiyat to the Muslims of Pakistan should be compulsory.

3. Unity and the observance of Islamic moral standards should be promoted amongst the Muslims of Pakistan.

4. The proper organization of zakat, wakfs and mosques should be ensured.

2.—National Solidarity.

Parochial, racial, tribal, sectarian and provincial prejudices amongst the citizens should be discouraged.

3.—Fair Treatment to Minorities.

The legitimate rights and interests of the minorities should be safeguarded, and the members of minorities should be given due opportunity to enter the service of Pakistan.

4.—Promotion of Interests of Backward Peoples.

Special care should be taken to promote the educational and economic interests of people of backward classes or in backward areas.

5.—Advancement of Under-privileged Castes, etc.

Steps should be taken to bring on terms of equality with other persons the members of under-privileged castes, races, tribes and groups and, to this end, the under-privileged castes, races, tribes and groups within a Province should be identified

by the Government of the Province and entered in a schedule of under-privileged classes.

6.—Opportunities to Participate in National Life, etc.

The people of different areas and classes, through education, training, industrial development and other methods, should be enabled to participate fully in all forms of national activities, including employment in the service of Pakistan.

7.—Education.

Illiteracy should be eliminated, and free and compulsory primary education should be provided for all, as soon as is practicable.

8.—Humane Conditions of Work.

Just and humane conditions of work should be provided and children and women should not be employed in vocations unsuited to their age and sex, and maternity benefits should be provided for women in employment.

9.—Well-being of the People.

The well-being of the people, irrespective of caste, creed or race, should be secured—

- (a) *by raising the standard of living of the common man;*
- (b) *by preventing the undue concentration of wealth and means of production and distribution in the hands of a few, to the detriment of the interest of the common man; and*
- (c) *by ensuring an equitable adjustment of rights between employers and employees and between landlords and tenants.*

10.—Opportunity to Gain Adequate Livelihood.

All citizens should have the opportunity to work and earn an adequate livelihood, and also to enjoy reasonable rest and leisure.

11.—Social Security.

All persons in the service of Pakistan or otherwise employed should be provided with social security by means of compulsory social insurance or otherwise.

12.—Provision of Basic Necessities.

The basic necessities of life, such as food, clothing, housing, education and medical treatment, should be provided for citizens who, irrespective of caste, creed or race, are permanently or temporarily unable to earn their livelihood on account of infirmity, disability, sickness or unemployment.

13.—Administrative Offices to be provided for Public Convenience.

Administrative offices and other services should, so far as is practicable, be provided in places where they will best meet the convenience and requirements of the public.

14.—Entry into Service of Pakistan not to be Denied on Grounds of Race, etc.

1. No citizen should be denied entry into the service of Pakistan on the grounds of race, religion, caste, sex or place of residence or birth.

2. This Principle may be departed from where, in the public interest—

(a) it is desirable that—

(i) a person who is to perform functions in relation to a particular area should be a resident of that area ; and

(ii) a person who is to perform functions of a particular kind should be of a particular sex ; or

(b) it is necessary so to do for the purpose of ensuring that, in relation to the Central Government, persons from all parts of Pakistan, and, in relation to a Provincial Government, persons from all parts of the

Province concerned, have an opportunity of entering the service of Pakistan.

15.—Reduction of Disparity in Remuneration for Public Services.

Disparity in the remuneration of persons in the various classes of the service of Pakistan should, within reasonable and practicable limits, be reduced.

16.—Parity between the Provinces in Central Government.

Parity between the Provinces in all spheres of the Central Government should, as nearly as is practicable, be achieved.

17.—Service in the Defence Services.

Persons from all parts of Pakistan should be enabled to serve in the Defence Services of Pakistan.

18.—Elimination of Riba.

Riba (Usury) should be eliminated.

19.—Prostitution, Gambling and Drug-taking to be Discouraged.

Prostitution, gambling and the taking of injurious drugs should be discouraged.

20.—Consumption of Alcohol to be Discouraged.

The consumption of alcoholic liquor (except for medicinal purposes and, in the case of non-Muslims, for religious purposes) should be discouraged.

21.—Strengthening Bonds with the Muslim World, and Promoting International Peace.

The bonds of unity amongst Muslim countries should be preserved and strengthened, international peace and security should be promoted, goodwill and friendly relations amongst all nations should be fostered, and the settlement of international disputes by peaceful means should be encouraged.

Part III.—THE CENTRE.

CHAPTER 1.—THE PRESIDENT.

The President.

9. There shall be a President of Pakistan, who shall be elected in accordance with this Constitution and the law.

**Qualifications
for office of
President.**

10. A person shall not be elected as President unless—
(a) he is a Muslim ;
(b) he has attained the age of thirty-five years ; and
(c) he is qualified to be elected as a member of the National Assembly.

**President's Oath
of Office.**

11. (1) Before he enters upon his office, a President shall make before the Chief Justice of the Supreme Court an oath in such form set out in the First Schedule as is applicable to his office.

(2) This Article does not apply to a person acting as President.

**Term of office
of President.**

12. (1) Subject to this Constitution, a President shall hold office for the period that, under clause (2) of this Article, is his term of office.

(2) The term of office of a President is the period commencing on the day on which he enters upon his office and ending—

- (a) where his predecessor as President completed his term of office—five years after his predecessor ceased to hold office ;
- (b) where his predecessor as President ceased to hold office (otherwise than following a dissolution of the National Assembly) before completing his term of office—on the day on which his predecessor's term of office was due to expire or, if the unexpired portion of his predecessor's term of office was less than one hundred and eighty days, five years after his predecessor's term of office was due to expire ; and

(c) where his predecessor as President ceased to hold office following a dissolution of the National Assembly—five years and sixty days after the commencement of the term of the National Assembly elected in place of the Assembly that was dissolved.

(3) A President may resign his office by writing under his hand addressed to the Speaker of the National Assembly.

13. (1) Not less than one-third of the total number of members of the National Assembly may give written notice signed by each of them to the Speaker of the Assembly that they intend to move a resolution in the Assembly for the removal of the President from office on a charge that he has wilfully violated this Constitution or has been guilty of gross misconduct.

(2) The notice shall set out particulars of the charge.

(3) The Speaker shall forthwith cause a copy of the notice to be transmitted to the President.

(4) The resolution shall not be moved in the National Assembly earlier than fourteen days, or later than thirty days, after notice of the resolution was given to the Speaker and, if it is necessary to summon the Assembly in order to enable the resolution to be moved within that period or to be considered by the Assembly, the Speaker shall summon the Assembly.

(5) The President shall have the right to appear and be represented before the National Assembly during the consideration of the resolution by the Assembly.

(6) If, after consideration by the National Assembly of the resolution, it is passed by the Assembly by the votes of not less than three-quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office and shall be disqualified from holding public office for a period of ten years from the passing of the resolution.

(7) If less than one-half of the total number of members of the National Assembly vote in support of the resolution, the members who gave notice of the resolution to the Speaker of

**Removal of
President on
grounds of
Incapacity.**

the Assembly shall cease to be members of the Assembly forthwith after the result of the voting on the resolution is declared.

14. (1) Not less than one-third of the total number of members of the National Assembly may give written notice signed by each of them to the Speaker of the Assembly that they intend to move a resolution in the Assembly for the removal of the President from office on the grounds of his physical or mental incapacity.

(2) The notice shall set out particulars of the alleged incapacity.

(3) The Speaker shall forthwith cause a copy of the notice to be transmitted to the President, together with a request signed by the Speaker that the President submit himself, within a period of ten days from the date of the request, to an examination by a Medical Board constituted in accordance with Article 15.

(4) The resolution shall not be moved in the Assembly earlier than fourteen days, or later than thirty days, after notice of the resolution was given to the Speaker and, if it is necessary to summon the Assembly in order to enable the resolution to be moved within that period or to be considered by the Assembly, the Speaker shall summon the Assembly.

(5) The President shall have the right to appear and be represented before the National Assembly during the consideration of the resolution by the Assembly.

(6) If the President has not submitted himself to an examination by the Medical Board before the resolution is moved in the National Assembly, the resolution may be voted upon and, if it is passed by the Assembly by the votes of not less than three-quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office.

(7) If, before the resolution is moved in the National Assembly, the President has submitted himself to an examination

by the Medical Board, the resolution shall not be voted upon until the Medical Board has been given an opportunity of putting its opinion before the Assembly.

(8) If, after consideration by the National Assembly of the resolution and of any opinion put before the National Assembly by the Medical Board, the resolution is passed by the Assembly by the votes of not less than three-quarters of the total number of members of the Assembly, the President shall forthwith cease to hold office.

(9) If, where the President has submitted himself to examination by the Medical Board, less than one-half of the total number of members of the National Assembly vote in support of the resolution, the members who gave notice of the resolution to the Speaker of the Assembly shall cease to be members of the Assembly forthwith after the result of the voting on the resolution is declared.

15. The Medical Board referred to in Article 14 shall be constituted by five duly qualified medical practitioners, who shall, except as is provided otherwise by law, be—

Medical Board
in relation to
incapacity of
President.

- (a) the most senior medical officer in the civil health service of the Centre ;
- (b) the most senior medical officer in the medical service of the Pakistan Army ;
- (c) the most senior medical officer in the health service of the Province of East Pakistan ;
- (d) the most senior medical officer in the health service of the Province of West Pakistan ; and
- (e) the person who is consultant physician to the Pakistan Army.

16. (1) At any time when—

- (a) the office of President is vacant ; or
- (b) the President is absent from Pakistan or is unable to perform the functions of his office due to illness or some other cause,

the Speaker of the National Assembly shall act as President and, except as provided in clause (2) of this Article, shall perform the functions of President.

(2) A person acting as President—

- (a) shall not dissolve the National Assembly or exercise the powers conferred on the President in Article 121 ; and
- (b) unless the office of President is vacant, shall not remove a Governor, Minister or Parliamentary Secretary from office.

President to have Supreme Command of the Defence Services.

17. (1) The Supreme Command of the Defence Services of Pakistan is vested in the President, to be exercised by him subject to law.

(2) Without limiting the generality of clause (1) of this Article, the President has power, subject to law—

- (a) to raise and maintain the Defence Services of Pakistan and the Reserves of those Services ;
- (b) to grant Commissions in those Services ; and
- (c) to appoint chief commanders of those Services and determine their salaries and allowances.

Pardons and reprieves.

18. The President has power to grant pardons, reprieves and respites, and to remit, suspend or commute any sentence passed by any Court, tribunal or other authority.

CHAPTER 2.—THE CENTRAL LEGISLATURE.

19. There shall be a Central Legislature of Pakistan, which shall consist of the President and one House, to be known as the National Assembly of Pakistan.

Central
Legislature.

20. (1) There shall be one hundred and fifty-six members of the National Assembly, one half of whom shall be elected in accordance with this Constitution and the law from the Province of East Pakistan and the other half of whom shall be so elected from the Province of West Pakistan.

Composition
of
National
Assembly.

(2) Three of the seats of members for each Province shall be reserved exclusively for women, but this clause shall not be construed as making a woman ineligible for election to any other seat in the National Assembly.

21. (1) Unless it is sooner dissolved, a National Assembly shall continue for a term of five years from—

Duration of
National
Assembly.

- (a) the declaration of the result of the election of its members ; or
- (b) the expiration of the term of the previous National Assembly,

whichever last occurs.

(2) On the expiration of the term of a National Assembly, it shall stand dissolved.

22. (1) The President may from time to time summon the National Assembly and, except when it has been summoned by the Speaker, may prorogue it.

Summoning and
Prorogation
of National
Assembly.

(2) The Speaker of the National Assembly may, at the request of not less than one third of the total number of members of the Assembly, summon the Assembly and, when the Speaker has summoned it, he may prorogue it.

(3) In the event of each of the offices of the President, and of the Speaker and Deputy Speakers of the National Assembly, being vacant, the Chief Justice of the Supreme Court may summon the National Assembly.

(4) When the National Assembly is summoned, the date, time and place of meeting shall be specified.

Dissolution of National Assembly.

23. (1) Subject to this Article, the President may at any time dissolve the National Assembly.

(2) The President shall not dissolve the National Assembly at any time when the unexpired portion of the term of the Assembly is less than one hundred and twenty days.

(3) If notice of a resolution is given to the Speaker of the National Assembly in pursuance of Article 13 or 14, the President shall not dissolve the Assembly—

(a) before the resolution has been voted upon by the Assembly ; or

(b) before the expiration of thirty days after the expiry of the period within which it may be moved,

whichever first occurs.

(4) When the President dissolves the National Assembly, he shall cease to hold office—

(a) upon the President elected as his successor entering upon his office ; or

(b) upon the expiration of one hundred and twenty days after the date of the dissolution,

whichever first occurs.

(5) Paragraph (a) of clause (4) of this Article shall not be construed as preventing a President who dissolves the National Assembly from being re-elected as President.

(6) The National Assembly elected in place of the Assembly dissolved shall not be dissolved before the successor of the President who dissolved it has entered upon his office.

Referendum
in case of
difference
of opinion
between
President and
National
Assembly.

24. (1) If, at any time, a conflict with respect to any matter arises between the President and the National Assembly and the President considers that it is desirable that the matter should be referred to a referendum, the President may cause the matter to be referred to a referendum in the form of a question that is capable of being answered either by "Yes" or "No".

(2) A referendum under this Article shall be conducted amongst the members of the Electoral College.

25. (1) The President may address the National Assembly and send messages to the Assembly.

(2) A member of the President's Council of Ministers and the Attorney-General shall have the right to speak in, and otherwise take part in, the proceedings of the National Assembly, or of any of its committees, but shall not be entitled to vote.

26. No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the National Assembly without the previous consent of the President.

Right of
address, etc., of
President,
Ministers and
Attorney-
General
in National
Assembly.

Preventive
detention.

27. (1) When a Bill has been passed by the National Assembly, it shall be presented to the President for assent.

Assent to Bills.

(2) The President shall, within thirty days after a Bill is presented to him—

- (a) assent to the Bill ;
- (b) declare that he withholds assent from the Bill ; or
- (c) return the Bill to the National Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the President fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(3) If the President declares that he withholds assent from a Bill, the National Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than two-thirds of the total number of members of the Assembly, the Bill shall again be presented to the President for assent.

(4) If the President returns a Bill to the National Assembly, the Assembly shall reconsider the Bill and if—

- (a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the President in his message or with amendments which the President has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of a majority of the total number of members of the Assembly ; or
- (b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than two-thirds of the total number of members of the Assembly,

the Bill shall again be presented to the President for assent.

(5) When a Bill is again presented to the President for assent in pursuance of clause (3) or clause (4) of this Article, the President shall, within ten days after the Bill is presented to him—

- (a) assent to the Bill ; or
- (b) cause to be referred to a referendum under Article 24 the question whether the Bill should or should not be assented to,

but if, within the period of ten days, the President fails to do either of those things and the Assembly is not dissolved, the President shall be deemed to have assented to the Bill at the expiration of that period.

(6) If, at a referendum conducted in relation to a Bill by virtue of paragraph (b) of clause (5) of this Article, the votes of a majority of the total number of members of the Electoral College are cast in favour of the Bill being assented to, the President shall be deemed to have assented to the Bill on the day on which the result of the referendum is declared.

28. When the President has assented to, or is deemed to have assented to, a Bill passed by the National Assembly, it shall become law and shall be called an Act of the Central Legislature.

29. (1) If, at a time when the National Assembly stands dissolved or is not in session, the President is satisfied that circumstances exist which render immediate legislation necessary, he may, subject to this Article, make and promulgate such Ordinances as the circumstances appear to him to require, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Central Legislature.

(2) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the National Assembly.

(3) If, before the expiration of the prescribed period, the National Assembly, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Central Legislature, but if, before the expiration of that period, the National Assembly, by resolution, disapproves of the Ordinance, it shall cease to have effect, and shall be deemed to have been repealed, upon the passing of the resolution.

(4) If the National Assembly has not approved or has not disapproved of the Ordinance, and it has not been repealed by the President, before the expiration of the prescribed period, it shall cease to have effect, and shall be deemed to have been repealed, upon the expiration of that period.

(5) The power of the President to make laws by the making and promulgation of Ordinances under this Article extends only

to the making of laws within the legislative competence of the Central Legislature.

(6) In this Article, "the prescribed period", in relation to an Ordinance, means—

- (a) the period ending forty-two days after the first meeting of the National Assembly following the promulgation of the Ordinance ; or
- (b) the period ending one hundred and eighty days after the promulgation of the Ordinance,

whichever is the shorter.

30. (1) If the President is satisfied that a grave emergency exists—

- (a) in which Pakistan, or any part of Pakistan, is (or is in imminent danger of being) threatened by war or external aggression ; or
- (b) in which the security or economic life of Pakistan is threatened by internal disturbances beyond the power of a Provincial Government to control,

the President may issue a Proclamation of Emergency.

(2) A Proclamation of Emergency shall, as soon as is practicable, be laid before the National Assembly.

(3) The President shall, when he is satisfied that the grounds on which he issued a Proclamation of Emergency have ceased to exist, revoke the Proclamation.

(4) If, at a time when a Proclamation of Emergency is in force (whether or not the National Assembly stands dissolved or is in session at that time), the President is satisfied that immediate legislation is necessary to assist in meeting the emergency that gave rise to the issue of the Proclamation, he may, subject to this Article, make and promulgate such Ordinances as appear to him to be necessary to meet the emergency, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Central Legislature.

(5) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the National Assembly.

(6) The National Assembly shall have no power to disapprove of the Ordinance but if, before the Ordinance ceases to have effect, the National Assembly, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Central Legislature.

(7) An Ordinance made under this Article shall, unless it has been sooner approved by the National Assembly or repealed by the President, cease to have effect, and shall be deemed to have been repealed, at the time when the Proclamation of Emergency by virtue of which it was made is revoked.

(8) The power of the President to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Central Legislature.

CHAPTER 3.—THE CENTRAL GOVERNMENT.

31. The executive authority of the Republic is vested in the President and shall be exercised by him, either directly or through officers subordinate to him, in accordance with this Constitution and the law.

Executive authority of Republic vests in President.

32. The President may—

Execution of instruments, etc.

- (a) specify the manner in which orders and other instruments made and executed in pursuance of any authority or power vested in the President shall be expressed and authenticated ; and
- (b) regulate the allocation and transaction of the business of the Central Government and establish divisions of that Government.

to the making of laws within the legislative competence of the Central Legislature.

(6) In this Article, "the prescribed period", in relation to an Ordinance, means—

- (a) the period ending forty-two days after the first meeting of the National Assembly following the promulgation of the Ordinance ; or
- (b) the period ending one hundred and eighty days after the promulgation of the Ordinance,

whichever is the shorter.

30. (1) If the President is satisfied that a grave emergency exists—

- (a) in which Pakistan, or any part of Pakistan, is (or is in imminent danger of being) threatened by war or external aggression ; or
- (b) in which the security or economic life of Pakistan is threatened by internal disturbances beyond the power of a Provincial Government to control,
the President may issue a Proclamation of Emergency.

(2) A Proclamation of Emergency shall, as soon as is practicable, be laid before the National Assembly.

(3) The President shall, when he is satisfied that the grounds on which he issued a Proclamation of Emergency have ceased to exist, revoke the Proclamation.

(4) If, at a time when a Proclamation of Emergency is in force (whether or not the National Assembly stands dissolved or is in session at that time), the President is satisfied that immediate legislation is necessary to assist in meeting the emergency that gave rise to the issue of the Proclamation, he may, subject to this Article, make and promulgate such Ordinances as appear to him to be necessary to meet the emergency, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Central Legislature.

(5) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the National Assembly.

(6) The National Assembly shall have no power to disapprove of the Ordinance but if, before the Ordinance ceases to have effect, the National Assembly, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Central Legislature.

(7) An Ordinance made under this Article shall, unless it has been sooner approved by the National Assembly or repealed by the President, cease to have effect, and shall be deemed to have been repealed, at the time when the Proclamation of Emergency by virtue of which it was made is revoked.

(8) The power of the President to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Central Legislature.

CHAPTER 3.—THE CENTRAL GOVERNMENT.

31. The executive authority of the Republic is vested in the President and shall be exercised by him, either directly or through officers subordinate to him, in accordance with this Constitution and the law.

Executive authority of Republic vests in President.

32. The President may—

- (a) specify the manner in which orders and other instruments made and executed in pursuance of any authority or power vested in the President shall be expressed and authenticated ; and
- (b) regulate the allocation and transaction of the business of the Central Government and establish divisions of that Government.

Execution of instruments, etc.

33. To assist him in the performance of his functions, the President may, from amongst persons qualified to be elected as members of the National Assembly, appoint persons to be members of a Council of Ministers, to be known as the President's Council of Ministers.

34. Before he enters upon his office, a Minister appointed by the President shall make before the President an oath in such form set out in the First Schedule as is applicable to his office.

35. The President may, from amongst the members of the National Assembly, appoint persons (not exceeding in number the number of divisions of the Central Government established by the President) to be Parliamentary Secretaries, and persons so appointed shall perform such functions in relation to those divisions as the President may direct.

36. (1) The President shall appoint a person who is qualified to be appointed as a Judge of the Supreme Court to be Attorney-General for Pakistan.

(2) The Attorney-General shall perform such duties as the President may direct.

(3) In the performance of his duties, the Attorney-General shall have the right of audience in all Courts in Pakistan.

CHAPTER 4.—FINANCIAL PROCEDURE OF THE CENTRE.

37. All revenues received and all loans raised by the Central Government, and all moneys received by the Central Government in repayment of any loan, shall form part of one consolidated fund, to be known as the Central Consolidated Fund.

38. The custody of the Central Consolidated Fund, the payment of moneys into, and the withdrawal of moneys from, that Fund, and all other transactions relating to that Fund, and the custody of other moneys received by or on behalf of the Central Government and all transactions relating to those moneys, and all matters ancillary to or connected with any of

the aforesaid matters, shall be regulated by or under an Act of the Central Legislature or, subject to any such Act, by rules made by the President.

39. The following expenditure is charged upon the Central Consolidated Fund :—

- (a) Remuneration payable to the President and other expenditure relating to his office :
- (b) Remuneration payable to—
 - (i) the Speaker and Deputy Speakers and other members of the National Assembly ;
 - (ii) the Judges of the Supreme Court ;
 - (iii) the members of the President's Council of Ministers ;
 - (iv) the Chief Election Commissioner ;
 - (v) the Comptroller and Auditor-General ;
 - (vi) the members of the Advisory Council of Islamic Ideology ;
 - (vii) Parliamentary Secretaries appointed by the President ; and
 - (viii) the members of the Central Public Service Commission :
- (c) The administrative expenses of, including remuneration payable to officers and servants employed in connection with, the National Assembly, the Supreme Court, the Comptroller and Auditor-General, the Chief Election Commissioner, any Election Commission, the Advisory Council of Islamic Ideology and the Central Public Service Commission :
- (d) Debt charges for which the Central Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the Central Consolidated Fund :

Expenditure charged upon Central Consolidated Fund.

- Annual Budget Statement.**
- (e) Sums required to satisfy any judgment, decree or award against Pakistan by any Court or tribunal:
 - (f) Other sums declared by this Constitution or by an Act of the Central Legislature to be so charged.

40. (1) The President shall, in respect of every financial year, cause to be laid before the National Assembly, before the commencement of that year, a statement (to be called the Annual Budget Statement) of the estimated receipts into, and the estimated expenditure from, the Central Consolidated Fund for that year.

(2) The Annual Budget Statement shall distinguish expenditure on revenue account from other expenditure, and shall show separately—

- (a) the sums required to meet expenditure charged upon the Central Consolidated Fund ; and
- (b) the sums required to meet other expenditure, distinguishing recurring expenditure from expenditure that is not recurring expenditure, and showing the extent, if any, to which that other expenditure is new expenditure.

(3) The Annual Budget Statement shall also indicate, under the following headings, the sources from which the estimated receipts will be derived :—

- (a) Existing taxation :
- (b) New and increased taxation :
- (c) Borrowings :
- (d) Other sources.

(4) In this Article—

“new expenditure”, in relation to the Annual Budget Statement for a financial year, means—

- (a) where expenditure for a project for that year has previously been approved by the National Assembly

- in pursuance of Article 42—so much of any expenditure for that project for that year as exceeds the expenditure approved for that year by more than ten per centum of the approved expenditure ;
- (b) any other expenditure which is not recurring expenditure ;
 - (c) any expenditure which is recurring expenditure and which is for a purpose in respect of which no provision was made by way of recurring expenditure in the Schedule of Authorized Expenditure for the previous financial year ; and
 - (d) so much of any expenditure which is recurring expenditure and which is for a purpose in respect of which provision was made by way of recurring expenditure in the Schedule of Authorized Expenditure for the previous financial year as exceeds that expenditure by more than ten per centum of that expenditure ;

“ recurring expenditure ” means expenditure of a kind that ordinarily recurs from year to year, but does not include expenditure for which provision may be made under Article 42.

(5) For the purposes of the definition of “ new expenditure ” set out in clause (4) of this Article, any Schedule of Authorized Expenditure relating to a Supplementary Budget Statement for a financial year shall be regarded as being incorporated with the Schedule of Authorized Expenditure that relates to the Annual Budget Statement for that year.

41. (1) So much of an Annual Budget Statement as relates to expenditure charged upon the Central Consolidated Fund may be discussed in, but shall not be submitted to the vote of, the National Assembly.

Procedure of
Assembly in
relation to
Annual Budget
Statement.

(2) So much of an Annual Budget Statement as relates to other expenditure, not being expenditure specified in the Statement in pursuance of clause (1) of Article 42 in respect

of any subsequent financial year, shall be submitted to the National Assembly in the form of demands for grants.

(3) A demand for a grant in respect of a sum that is not shown in an Annual Budget Statement as new expenditure may be discussed in the National Assembly, but, subject to clause (4) of this Article, the demand shall not be submitted to the vote of the Assembly and the Assembly shall be deemed to have assented to the demand—

- (a) at the expiration of fourteen days after the Statement was laid before the Assembly ; or
- (b) at the commencement of the financial year to which the Statement relates,

whichever last occurs.

(4) The National Assembly may, with the consent of the President, reduce a demand for a grant referred to in clause (3) of this Article and, in that event, the Assembly shall be deemed to have assented to the demand as so reduced.

(5) The National Assembly may assent to or refuse a demand for a grant in respect of a sum that is shown in the Annual Budget Statement as new expenditure or may assent to the demand in respect of such lesser sum as the Assembly may specify.

(6) A demand for a grant shall not be made except on the recommendation of the President.

42. (1) The Annual Budget Statement, or a Supplementary Budget Statement, in respect of a financial year may, in relation to a project for which estimated expenditure for that year is specified in the Statement and which will involve expenditure from the Central Consolidated Fund in subsequent years, specify the estimated expenditure for that project for each of those subsequent years.

(2) The National Assembly may, by resolution, approve or disapprove of the expenditure specified for any such subsequent year or may approve of such lesser expenditure for that year as is specified in the resolution.

(3) If, at the expiration of a period of fourteen days after the National Assembly has assented (either with or without reduction) to the demand for a grant in respect of the expenditure specified in the Budget Statement in relation to the project for the year to which the Statement relates, the Assembly has not passed a resolution in pursuance of clause (2) of this Article in relation to the estimated expenditure for a subsequent year, the Assembly shall, at the expiration of that period, be deemed to have approved of the estimated expenditure for that subsequent year.

(4) Notwithstanding the approval of the National Assembly under this Article of any expenditure for a project for a subsequent financial year, the estimated expenditure for that project for that subsequent year shall (whether or not it is the same as the approved expenditure for that year) be included in the Annual Budget Statement for that subsequent year.

43. (1) Following consideration by the National Assembly of the Annual Budget Statement in respect of a year, the President shall cause to be prepared, in the same form as the Statement in so far as it relates to expenditure, a schedule (to be called the Schedule of Authorized Expenditure) specifying—

- (a) the sums, or sums not exceeding the sums, shown in the Statement as the sums required to meet expenditure charged upon the Central Consolidated Fund ; and
- (b) the sums granted, or deemed to have been granted, under Article 41,

Authorized expenditure.

and shall authenticate the Schedule by his signature.

(2) Subject to the provisions of this Constitution, no moneys shall be withdrawn from the Central Consolidated Fund except under the authority of the Schedule of Authorized Expenditure as authenticated by the President.

(3) The Schedule of Authorized Expenditure shall be laid before the National Assembly for its information.

**Supplementary
and Excess
Budget
Statements.**

44. (1) If, in respect of any financial year, it is found that the amount authorized to be expended from the Central Consolidated Fund for a particular purpose is insufficient, or a need has arisen for expenditure from that Fund for a purpose with respect to which there is no authority for expenditure, the President shall cause to be laid before the National Assembly a Supplementary Budget Statement setting out the proposed additional expenditure.

(2) If, in respect of any financial year, it is found that money has been expended from the Central Consolidated Fund for a particular purpose and that expenditure is in excess of the amount authorized to be expended for that purpose for that year, the President shall cause to be laid before the National Assembly an Excess Budget Statement setting out the excess expenditure.

(3) The provisions of Articles 40, 41 and 43 shall apply, with the necessary modifications, to and in relation to a Supplementary Budget Statement or an Excess Budget Statement.

**Provision for
unexpected
expenditure.**

45. (1) There may be included in an Annual Budget Statement an item of estimated expenditure (in this Article referred to as a contingency item) for the purpose of making provision for the withdrawal from the Central Consolidated Fund, at the discretion of the President, of amounts necessary to meet unexpected expenditure (whether on revenue account or not) that is not specifically provided for in the Statement.

(2) Where a contingency item is included in an Annual Budget Statement, it shall be shown as a sum that is not required to meet new expenditure, but, notwithstanding

clauses (3) and (4) of Article 41, the National Assembly may, without the consent of the President, reduce a demand for a grant in respect of that sum to an amount that is not less than ten per centum of the total of expenditure on revenue account specified in the Budget Statement.

(3) The President shall cause to be laid before the National Assembly, for its information, a statement of all expenditure from the Central Consolidated Fund under the authority of a contingency item.

(4) The statement of expenditure referred to in clause (3) of this Article may be included in a Supplementary Budget Statement for the relevant financial year and, in that event, to the extent that the expenditure so included is also specified in the Schedule of Authorized Expenditure that relates to that Supplementary Budget Statement, the expenditure shall be deemed to have been made under the authority of that Schedule and not under the authority of the contingency item.

46. When, for any reason, the Schedule of Authorized Expenditure for a financial year is not authenticated before the commencement of that year, the President may, pending the authentication of the Schedule, authorize withdrawals from the Central Consolidated Fund of amounts necessary to meet expenditure that is provided for in the Annual Budget Statement for that year and—

- (a) is charged upon the Central Consolidated Fund; or
- (b) is not specified in the Statement as new expenditure.

Expenditure
from Central
Consolidated
Fund pending
authentication
of Schedule of
Authorized
Expenditure.

47. (1) Except on the recommendation of the President, no Bill or amendment shall be introduced or moved in the National Assembly if—

Money Bills.

- (a) it would, if enacted and brought into operation, involve expenditure from the revenues or other moneys of the Central Government; or

(b) it makes provision for any of the matters, or any matter incidental to any of the matters, specified below :—

(i) The imposition, abolition, remission, alteration or regulation of any tax :

(ii) The borrowing of money, or the giving of any guarantee, by the Central Government, or the amendment of the law relating to the financial obligations of the Central Government :

(iii) The imposition of a charge upon the Central Consolidated Fund, or the abolition or alteration of any such charge :

(iv) The custody of the Central Consolidated Fund, the payment of moneys into, or the issue of moneys from, that Fund :

(v) The custody, receipt or issue of any other moneys of the Central Government :

(vi) The audit of the accounts of the Central Government or of a Provincial Government.

(2) Clause (1) of this Article does not apply to a Bill or amendment by reason only that it provides—

(a) for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee or a fee or charge for any service rendered ; or

(b) for the imposition, abolition, remission, alteration or regulation of any tax by any local authority for local purposes.

48. No tax shall be levied for the purposes of the Central Government except by or under the authority of an Act of the Central Legislature.

CHAPTER 5.—THE SUPREME COURT OF PAKISTAN.

49. (1) There shall be a Supreme Court of Pakistan.

(2) The Supreme Court shall consist of a Chief Justice and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President.

Establishment
and constitution
of Supreme
Court.

50. (1) The Chief Justice of the Supreme Court shall be appointed by the President, and the other Judges shall be appointed by the President after consultation with the Chief Justice.

Appointment
of Supreme
Court Judges.

(2) A person shall not be appointed as a Judge of the Supreme Court unless he is a citizen of Pakistan and—

- (a) he has for a period of, or for periods aggregating, not less than five years been a Judge of a High Court (including a High Court that existed in Pakistan at any time before the commencing day) ; or
- (b) he has for a period of, or for periods aggregating, not less than fifteen years been an advocate or pleader of a High Court (including a High Court that existed in Pakistan at any time before the commencing day and any High Court that existed in British India before the fourteenth day of August, One thousand nine hundred and forty seven).

51. Before he enters upon his office, the Chief Justice of the Supreme Court shall make before the President, and any other Judge of the Supreme Court shall make before the Chief Justice, an oath in such form set out in the First Schedule as is applicable to his office.

Oath of Office.

52. A Judge of the Supreme Court shall hold office until he attains the age of sixty-five years unless he sooner resigns or is removed from office in accordance with this Constitution.

Retiring age.

53. At any time when—

- (a) the office of Chief Justice of the Supreme Court is vacant; or
- (b) the Chief Justice of the Supreme Court is absent or is unable to perform the functions of his office due to illness or some other cause,

such other Judge of the Supreme Court as the President may appoint shall act as Chief Justice.

Acting Judges.

54. (1) If, at any time—

- (a) the office of a Judge of the Supreme Court is vacant; or
- (b) a Judge of the Supreme Court is absent or is unable to perform the functions of his office due to illness or some other cause,

the President may appoint a Judge of a High Court who is qualified for appointment as a Judge of the Supreme Court to act temporarily as a Judge of the Supreme Court.

(2) An appointment under this Article shall continue in force until it is revoked by the President.

Appointment of
ad hoc Judges.

55. If, at any time, it is not possible for want of a quorum of Judges of the Supreme Court to hold or continue any sittings of the Court, or for any other reason it is necessary to increase temporarily the number of Judges of the Supreme Court, the Chief Justice of the Supreme Court may, in writing, (with the approval of the President and the consent of the Chief Justice of the High Court concerned) require a Judge of a High Court qualified for appointment as a Judge of the Supreme Court to attend sittings of the Supreme Court as an *ad hoc* Judge for such period as may be necessary, and, while so sitting, such *ad hoc* Judge shall have the same power and jurisdiction as a Judge of the Supreme Court.

56. (1) The permanent seat of the Supreme Court shall, subject to clause (3) of this Article, be at Islamabad, but it shall sit in Dacca at least twice in every year for such period as the Chief Justice of the Court may consider necessary.

(2) The Supreme Court may from time to time sit in such other places as the Chief Justice of the Court, with the approval of the President, may appoint.

(3) Until provision is made for establishing the Supreme Court at Islamabad, the seat of the Court shall be at such place as the President may appoint.

57. (1) The Supreme Court shall, to the exclusion of every other Court, have original jurisdiction in any dispute between one of the Governments and one or both of the other Governments.

(2) In the exercise of the jurisdiction conferred on it by this Article, the Supreme Court shall pronounce declaratory judgments only.

(3) In this Article, "the Governments" means the Central Government and the Provincial Governments.

58. (1) Subject to this Article, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, orders or sentences of a High Court.

(2) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court shall lie as of right where—

(a) the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution ;

(b) the High Court has sentenced a person to death or to transportation for life ; or

(c) the High Court has imposed punishment on a person in pursuance of the power conferred on the Court by Article 123.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court in a case to which clause (2) of this Article does not apply shall lie only if the Supreme Court grants leave to appeal.

Advisory Jurisdiction.

59. (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he considers of public importance, he may refer the question to the Supreme Court for consideration.

(2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.

Additional jurisdiction may be conferred on Supreme Court by law.

60. In addition to the jurisdiction conferred on it by this Constitution, the Supreme Court shall have such other jurisdiction as may be conferred on it by law.

Issue and execution of processes of Supreme Court.

61. (1) The Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any cause or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Pakistan and shall, where it is to be executed in a Province, be executed as if it had been issued by the High Court of that Province.

(3) If a question arises as to which High Court shall give effect to a direction, order or decree of the Supreme Court, the decision of the Supreme Court on the question shall be final.

Review of judgments or orders by the Supreme Court.

62. The Supreme Court shall have power, subject to the provisions of any Act of the Central Legislature and of any Rules made by the Supreme Court, to review any judgment pronounced or any order made by it.

Decision of Supreme Court binding on other Courts.

63. Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan.

64. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court. Action in aid of Supreme Court.
65. Subject to this Constitution and the law, the Supreme Court may, with the approval of the President, make Rules regulating the practice and procedure of the Court. Rules of Procedure.
- Part IV.—THE PROVINCES.**
- CHAPTER 1.—THE GOVERNORS.**
66. (1) There shall be a Governor of each Province, who shall be appointed by the President. Governor for each province.
- (2) The Governor of a Province shall, in the performance of his functions, be subject to the directions of the President.
67. A person shall not be appointed as a Governor of a Province unless he is qualified to be elected as a member of the National Assembly. Qualification for office of Governor.
68. Before he enters upon his office, the Governor of a Province shall make before the Chief Justice of the High Court of the Province an oath in such form set out in the First Schedule as is applicable to his office. Governor's Oath of Office.
69. At any time when a Governor is absent from Pakistan or is unable to perform the functions of his office due to illness or some other cause, such other person as the President may direct shall act as Governor and perform the functions of that office. Acting Governor.
- CHAPTER 2.—THE PROVINCIAL LEGISLATURES.**
70. There shall be a Provincial Legislature of each Province, which shall consist of the Governor of the Province and one House, to be known as the Assembly of the Province. Provincial Legislatures.
71. (1) There shall be one hundred and fifty-five members of the Assembly of each Province, who shall be elected in accordance with this Constitution and the law. Members

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court in a case to which clause (2) of this Article does not apply shall lie only if the Supreme Court grants leave to appeal.

Advisory Jurisdiction.

59. (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he considers of public importance, he may refer the question to the Supreme Court for consideration.

(2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.

Additional jurisdiction may be conferred on Supreme Court by law.

60. In addition to the jurisdiction conferred on it by this Constitution, the Supreme Court shall have such other jurisdiction as may be conferred on it by law.

Issue and execution of processes of Supreme Court.

61. (1) The Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any cause or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document.

(2) Any such direction, order or decree shall be enforceable throughout Pakistan and shall, where it is to be executed in a Province, be executed as if it had been issued by the High Court of that Province.

(3) If a question arises as to which High Court shall give effect to a direction, order or decree of the Supreme Court, the decision of the Supreme Court on the question shall be final.

Review of judgments or orders by the Supreme Court.

62. The Supreme Court shall have power, subject to the provisions of any Act of the Central Legislature and of any Rules made by the Supreme Court, to review any judgment pronounced or any order made by it.

Decision of Supreme Court binding on other Courts.

63. Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan.

64. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court.

Action in aid of Supreme Court.

65. Subject to this Constitution and the law, the Supreme Court may, with the approval of the President, make Rules regulating the practice and procedure of the Court.

Rules of Procedure.

Part IV.—THE PROVINCES.

CHAPTER 1.—THE GOVERNORS.

66. (1) There shall be a Governor of each Province, who shall be appointed by the President.

Governor for each province.

(2) The Governor of a Province shall, in the performance of his functions, be subject to the directions of the President.

67. A person shall not be appointed as a Governor of a Province unless he is qualified to be elected as a member of the National Assembly.

Qualification for office of Governor.

68. Before he enters upon his office, the Governor of a Province shall make before the Chief Justice of the High Court of the Province an oath in such form set out in the First Schedule as is applicable to his office.

Governor's Oath of Office.

69. At any time when a Governor is absent from Pakistan or is unable to perform the functions of his office due to illness or some other cause, such other person as the President may direct shall act as Governor and perform the functions of that office.

Acting Governor.

CHAPTER 2.—THE PROVINCIAL LEGISLATURES.

70. There shall be a Provincial Legislature of each Province, which shall consist of the Governor of the Province and one House, to be known as the Assembly of the Province.

Provincial Legislatures.

71. (1) There shall be one hundred and fifty-five members of the Assembly of each Province, who shall be elected in accordance with this Constitution and the law.

Composition of Provincial Assembly.

(2) Five of the seats of members of the Assembly of each Province shall be reserved exclusively for women, but this clause shall not be construed as making a woman ineligible for election to any other seat in the Assembly.

72. (1) Unless it is sooner dissolved, an Assembly of a Province shall continue for a term of five years from—

(a) the declaration of the result of the election of its members ; or

(b) the expiration of the term of the previous Assembly, whichever last occurs.

(2) On the expiration of the term of an Assembly of a Province, it shall stand dissolved.

73. (1) The Governor of a Province may from time to time summon the Assembly of the Province and, except when it has been summoned by the Speaker, may prorogue it.

(2) The Speaker of the Assembly of a Province may, at the request of not less than one-third of the total number of members of the Assembly, summon the Assembly and, when he has summoned it, he may prorogue it.

(3) When the Assembly of a Province is summoned, the date, time and place of meeting shall be specified.

74. (1) Where—

(a) a conflict on a matter has arisen between the Governor of a Province and the Assembly of the Province ;

(b) the conflict has been referred to the National Assembly in accordance with this Article for decision ;

(c) the National Assembly has decided the conflict in favour of the Governor ; and

(d) the President has concurred in the dissolution of the Provincial Assembly by the Governor,

the Governor may dissolve the Assembly of the Province.

(2) If, at any time, a conflict with respect to any matter arises between the Governor of a Province and the Assembly of the Province, either the Governor or the Speaker of the Assembly, or both, may request the President, in writing, to refer the conflict to the National Assembly for decision.

(3) A copy of the request shall, at the time it is made, be sent—

- (a) where the request is made by the Governor—to the Speaker ; and
- (b) where it is made by the Speaker—to the Governor.

(4) The President shall, upon receipt of the request, forthwith send a copy of the request to the Speaker of the National Assembly.

(5) The conflict shall be considered by the National Assembly, and a resolution deciding the conflict shall be passed, not later than thirty days after the copy of the request is received by the Speaker of the National Assembly and, if it is necessary to summon the Assembly in order to enable the conflict to be so considered and decided, the President (or, if he fails to do so, the Speaker) shall summon the National Assembly.

(6) The Governor of a Province shall not dissolve the Assembly of the Province except as provided in this Article.

75. (1) The Governor of a Province may address the Assembly of the Province and send messages to the Assembly.

(2) A member of the Governor's Council of Ministers for a Province and the Advocate-General for the Province shall have the right to speak in, and otherwise take part in, the proceedings of the Assembly of the Province, or of any of its committees, but shall not be entitled to vote.

Right of address,
etc., of Governor,
Ministers and
Advocate-General
in Provincial
Assembly.

76. No Bill, or amendment of a Bill, providing for or relating to preventive detention shall be introduced or moved in the Assembly of a Province without the previous consent of the Governor of the Province.

Preventive
detention.

77. (1) When a Bill has been passed by the Assembly of a Province, it shall be presented to the Governor of the Province for assent.

(2) The Governor shall, within thirty days after a Bill is presented to him—

- (a) assent to the Bill ;
- (b) declare that he withholds assent from the Bill ; or
- (c) return the Bill to the Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the Governor fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(3) If the Governor declares that he withholds assent from a Bill, the Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than two-thirds of the total number of members of the Assembly, the Bill shall again be presented to the Governor for assent.

(4) If the Governor returns a Bill to the Assembly, the Assembly shall reconsider the Bill and if—

- (a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the Governor in his message or with amendments which the Governor has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of a majority of the total number of members of the Assembly ; or

- (b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than two-thirds of the total number of members of the Assembly,

the Bill shall again be presented to the Governor for assent.

(5) When a Bill is again presented to the Governor for assent in pursuance of clause (3) or clause (4) of this Article, the Governor shall, within ten days after the Bill is presented to him—

- (a) assent to the Bill ; or
- (b) request the President, in pursuance of clause (2) of Article 74, to refer the Bill to the National Assembly as a matter with respect to which a conflict has arisen between the Governor and the Assembly of the Province,

but if, within the period of ten days, the Governor fails to do either of those things, he shall be deemed to have assented to the Bill at the expiration of that period.

(6) If, after a Bill has been referred to the National Assembly in pursuance of Article 74, the National Assembly passes a resolution supporting the Bill, the Governor shall be deemed to have assented to the Bill on the day on which the resolution is passed.

78. When the Governor of a Province has assented to, or is deemed to have assented to, a Bill passed by the Assembly of the Province, it shall become law and shall be called an Act of the Provincial Legislature of the Province.

Acts of Provincial Legislatures.

79. (1) If, at a time when the Assembly of a Province stands dissolved or is not in session, the Governor of the Province is satisfied that circumstances exist which render immediate legislation necessary, he may, subject to this Article, make and promulgate such Ordinances as the circumstances appear to him to require, and any such Ordinance shall, subject to this Article, have the same force of law as an Act of the Provincial Legislature.

Legislative powers of Governor when Provincial Assembly not in session.

(2) An Ordinance made and promulgated under this Article shall, as soon as is practicable, be laid before the Assembly of the Province.

(3) If, before the expiration of the prescribed period, the Assembly of the Province, by resolution, approves of the Ordinance, the Ordinance shall be deemed to have become an Act of the Provincial Legislature, but if, before the expiration of that period, the Assembly of the Province, by resolution, disapproves of the Ordinance, it shall cease to have effect, and shall be deemed to have been repealed, upon the passing of the resolution.

(4) If the Assembly of the Province has not approved or has not disapproved of the Ordinance, and it has not been repealed by the Governor, before the expiration of the prescribed period, it shall cease to have effect, and shall be deemed to have been repealed, upon the expiration of that period.

(5) The power of the Governor of a Province to make laws by the making and promulgation of Ordinances under this Article extends only to the making of laws within the legislative competence of the Legislature of the Province.

(6) In this Article, "the prescribed period", in relation to an Ordinance, means—

- (a) the period ending forty-two days after the first meeting of the Assembly of the Province following the promulgation of the Ordinance; or
- (b) the period ending one hundred and eighty days after the promulgation of the Ordinance,

whichever is the shorter.

CHAPTER 3.—THE PROVINCIAL GOVERNMENTS.

80. The executive authority of a Province is vested in the Governor of the Province and shall be exercised by him, either directly or through officers subordinate to him, in accordance with this Constitution, the law and the directions of the President.

81. The Governor of a Province may—

- (a) specify the manner in which orders and other instruments made and executed in pursuance of any

Executive
authority of
Province vests
in Governor.

Execution of
Instruments,
etc.

authority or power vested in the Governor shall be expressed and authenticated ; and

- (b) regulate the allocation and transaction of the business of the Government of the Province and establish departments of that Government.

82. To assist him in the performance of his functions, the Governor of a Province may (with the concurrence of the President), from amongst persons qualified to be elected as members of the Assembly of the Province, appoint persons to be members of a Council of Ministers, to be known as the Governor's Council of Ministers for the Province.

Governor's
Council of
Ministers.

83. Before he enters upon his office, a Minister appointed by a Governor shall make before the Governor an oath in such form set out in the First Schedule as is applicable to his office.

Oath of Office
of Ministers.

84. The Governor of a Province may, from amongst the members of the Assembly of the Province, appoint persons (not exceeding in number the number of departments of the Government of the Province established by the Governor) to be Parliamentary Secretaries, and persons so appointed shall perform such functions in relation to those departments as the Governor may direct.

Parliamentary
Secretaries.

85. (1) The Governor of a Province shall appoint a person who is qualified to be appointed as a Judge of a High Court to be Advocate-General for the Province.

Advocate-
General.

(2) The Advocate-General shall perform such duties as the Governor may direct.

CHAPTER 4.—FINANCIAL PROCEDURE OF THE PROVINCES.

86. All revenues received and all loans raised by a Provincial Government, and all moneys received by a Provincial Government in repayment of any loan, shall form part of one consolidated fund, to be known as the Provincial Consolidated Fund of the Province concerned.

Provincial
Consolidated
Fund.

87. The custody of the Provincial Consolidated Fund of a Province, the payment of moneys into, and the withdrawal of moneys from, that Fund, and all other transactions relating to that Fund, and the custody of other moneys received by or on behalf of the Provincial Government and all transactions relating to those moneys, and all matters ancillary to or connected with any of the aforesaid matters, shall be regulated by or under an Act of the Provincial Legislature or, subject to any such Act, by rules made by the Governor of the Province.

88. The following expenditure is charged upon the Provincial Consolidated Fund of a Province :—

- (a) Remuneration payable to the Governor of the Province and other expenditure relating to his office :
- (b) Remuneration payable to—
 - (i) the Speaker and Deputy Speakers and other members of the Provincial Assembly ;
 - (ii) the Judges of the High Court of the Province ;
 - (iii) the members of the Governor's Council of Ministers for the Province ;
 - (iv) Parliamentary Secretaries appointed by the Governor of the Province ; and
 - (v) the members of the Public Service Commission of the Province :
- (c) The administrative expenses of, including remuneration payable to officers and servants employed in connection with, the Provincial Assembly, the High Court of the Province and the Public Service Commission of the Province :
- (d) Debt charges for which the Provincial Government is liable, including interest, sinking fund charges, the repayment or amortisation of capital, and other expenditure in connection with the raising of loans

and the service and redemption of debt on the security of the Provincial Consolidated Fund:

- (e) Sums required to satisfy any judgment, decree or award against the Province by any Court or tribunal;
- (f) Other sums declared by an Act of the Provincial Legislature to be so charged.

. The provisions of Articles 40 to 47 (inclusive) shall to and in relation to a Province, but so that—

Annual Budget Statement, etc.

- (a) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;
- (b) any reference in those provisions to the National Assembly shall be read as a reference to the Provincial Assembly;
- (c) any reference in those provisions to the Central Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund; and
- (d) any reference in those provisions to the Central Government shall be read as a reference to the Provincial Government.

90. No tax shall be levied for the purposes of a Provincial Government except by or under the authority of an Act of the Provincial Legislature.

Tax to be imposed only by law.

CHAPTER 5.—THE HIGH COURTS.

91. (1) There shall be a High Court of each Province.
(2) A High Court shall consist of a Chief Justice and so many other Judges as may be determined by law or, until so determined, as may be fixed by the President.

Establishment and constitution of High Courts.

92. (1) A Judge of a High Court shall be appointed by the President after consultation—

- (a) with the Chief Justice of the Supreme Court;
- (b) with the Governor of the Province concerned; and
- (c) except where the appointment is that of Chief Justice—with the Chief Justice of the High Court

(2) A person shall not be appointed as a Judge of a High Court unless he is a citizen of Pakistan and—

- (a) he has for a period, or for periods aggregating, not less than ten years been an advocate or pleader of a High Court (including a High Court that existed in Pakistan at any time before the commencing day and any High Court that existed in British India before the fourteenth day of August, One thousand nine hundred and forty-seven);
- (b) he is, and has for a period of not less than ten years been, a member of a civil service prescribed by law for the purposes of this paragraph and has, for a period of not less than three years, served as or exercised the functions of a District Judge in Pakistan; or
- (c) he has, for a period of not less than ten years, held a judicial office in Pakistan.

(3) In this Article, "District Judge" means Judge of a principal civil Court of original jurisdiction.

Oath of Office. 93. Before he enters upon his office, the Chief Justice of the High Court of a Province shall make before the Governor of the Province, and any other Judge of the Court shall make before the Chief Justice, an oath in such form set out in the First Schedule as is applicable to his office.

Retiring age. 94. A Judge of a High Court shall hold office until he attains the age of sixty years unless he sooner resigns or is removed from office in accordance with this Constitution.

95. At any time when—

- (a) the office of Chief Justice of a High Court is vacant ; or
- (b) the Chief Justice of a High Court is absent or is unable to perform the functions of his office due to illness or some other cause,

such other Judge of the High Court as the President may appoint shall act as Chief Justice.

96. If, at any time—

- (a) the office of a Judge of a High Court is vacant ;
- (b) a Judge of a High Court is absent or is unable to perform the functions of his office due to illness or some other cause ; or
- (c) for any reason it is necessary to increase the number of Judges of a High Court,

the President may appoint a person qualified for appointment as a Judge of the High Court to be an Additional Judge of the Court for such period as the President may determine, being a period not exceeding such period, if any, as may be prescribed by law.

97. (1) The permanent seat of the High Court of the Province of East Pakistan shall be at Dacca, but the Court may from time to time sit in such other places as the Chief Justice of the Court, with the approval of the Governor of the Province, may appoint.

(2) There shall be a permanent seat of the High Court of the Province of West Pakistan at Lahore, which shall be the principal seat of that Court, and there shall also be permanent seats of that Court at Karachi and Peshawar, but the Court may from time to time sit in such other places as the Chief Justice of the Court, with the approval of the Governor of the Province, may appoint.

(3) A Judge of the High Court of the Province of West Pakistan shall not be transferred from a permanent seat of that Court to another permanent seat of that Court without the approval of the President first being obtained, and a Judge of that Court who has served for less than five years at a permanent seat of that Court shall not, without his consent, be transferred to another permanent seat except where the transfer is necessary in order to ensure that the functions of the Court are properly carried out.

98. (1) A High Court shall have such jurisdiction as is conferred on it by this Constitution or by law.

(2) Subject to this Constitution, a High Court of a Province may, if it is satisfied that no other adequate remedy is provided by law—

(a) on the application of any aggrieved party, make an order—

(i) directing a person performing in the Province functions in connection with the affairs of the Centre, the Province or a local authority to refrain from doing that which he is not permitted by law to do, or to do that which he is required by law to do ; or

(ii) declaring that any act done or proceeding taken in the Province by a person performing functions in connection with the affairs of the Centre, the Province or a local authority has been done or taken without lawful authority, and is of no legal effect ; or

(b) on the application of any person, make an order—

(i) directing that a person in custody in the Province be brought before the High Court so that the Court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner ; or

(ii) requiring a person in the Province holding or purporting to hold a public office to show under what authority of law he claims to hold that office.

(3) An order shall not be made under clause (2) of this Article—

- (a) on application made by or in relation to a person in the Defence Services of Pakistan in respect of his terms and conditions of service, in respect of any matter arising out of his service or in respect of any action taken in relation to him as a member of the Defence Services of Pakistan ; or
- (b) on application made by or in relation to any other person in the service of Pakistan in respect of his terms and conditions of service, except a term or condition of service that is specified in this Constitution.

(4) Where—

- (a) application is made to a High Court for an order under paragraph (a) of clause (2) of this Article ; and
- (b) the Court has any reason to believe that the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to the public interest,

the Court shall not make an interim order unless the prescribed law officer has been given notice of the application and the Court, after the law officer has been given an opportunity of being heard, is satisfied that the making of the interim order would not have the effect referred to in paragraph (b) of this clause.

(5) In this Article, unless the context otherwise requires—

“person” includes any body politic or corporate, any authority of or under the control of the Central

Government or of a Provincial Government and any Court or tribunal, other than the Supreme Court, a High Court or a Court or tribunal established under a law relating to the Defence Services of Pakistan;

"prescribed law officer" means—

(a) in relation to an application affecting the Central Government or an authority of or under the control of the Central Government—the Attorney-General; and

(b) in any other case—the Advocate-General of the Province in which the application is made.

Transfer of
High Court
Judges.

99. (1) The President may transfer a Judge of a High Court from one High Court to the other High Court, but no Judge shall be so transferred except with his consent and after consultation by the President with the Chief Justice of the Supreme Court and the Chief Justices of both High Courts.

(2) When a Judge is so transferred, he shall, during the period for which he serves as a Judge of the High Court to which he is transferred, be entitled to such compensatory allowance, in addition to his salary, as the President may, by Order, determine.

Decision of
High Court
binding on
subordinate
Courts.

100. Subject to Article 63, any decision of a High Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts that are subordinate to it.

Rules of
procedure.

101. Subject to this Constitution and the law, a High Court of a Province may, with the approval of the Governor of the Province, make Rules regulating the practice and procedure of the Court or of any other Court subordinate to it.

High Court to
superintend
subordinate
Courts.

102. Each High Court shall supervise and control all other Courts that are subordinate to it.

Part V.—PROVISIONS APPLICABLE GENERALLY TO THE CENTRE AND THE PROVINCES.

CHAPTER 1.—THE CENTRAL AND PROVINCIAL LEGISLATURES.

103. (1) Except as provided in this Article, a person is qualified to be elected as, and to be, a member of an Assembly if—

Qualification
of members.

(a) his name appears—

- (i) in the case of the National Assembly—on the electoral roll for any electoral unit ; or
- (ii) in the case of the Assembly of a Province—on the electoral roll for an electoral unit in the Province ; and

(b) he is not less than twenty-five years of age.

(2) A person is disqualified from being elected as, and from being, a member of an Assembly if—

- (a) he holds an office of profit in the service of Pakistan ;
- (b) he is an undischarged insolvent ;
- (c) he has, within the previous period of five years, been convicted of an offence by any Court and sentenced to transportation or to imprisonment for not less than two years or been sentenced to death and that sentence has been commuted to transportation or imprisonment ;
- (d) he has ceased to be a citizen or has affirmed allegiance to a foreign State ; or
- (e) he is otherwise disqualified from being a member of that Assembly by this Constitution or by or under any law.

(3) Notwithstanding paragraph (a) of clause (2) of this Article, the President, a Governor or a Minister is qualified to

be elected as a member of an Assembly, but if he is so elected, he is not qualified to be a member of the Assembly until he ceases to hold office as President, Governor or Minister.

Cessation of
membership of
an Assembly
upon becoming
disqualified.

104. (1) If a member of an Assembly is elected as President, or appointed as a Governor or Minister or to any other office of profit in the service of Pakistan, he shall cease to be a member of the Assembly on the day on which he enters upon his office.

(2) If any question arises whether a member of an Assembly has, after his election, become disqualified from being a member of the Assembly, the Speaker of the Assembly shall refer the question to the Chief Election Commissioner and, if the Chief Election Commissioner is of the opinion that the member has become disqualified, the member shall cease to be a member.

(3) If any person sits or votes in an Assembly knowing that he is not qualified to be, or is disqualified from being, a member of the Assembly, he shall be liable in respect of every day on which he so sits or votes to a penalty of Five hundred rupees, which may be recovered from him as a debt due—

- (a) in the case of the National Assembly—to the Central Government ; or
- (b) in the case of the Assembly of a Province—to the Government of the Province.

105. (1) A person shall not, at the same time, be a candidate for election to more than one seat in an Assembly, or to a seat in one Assembly and to a seat in another Assembly.

(2) A member of an Assembly shall not be a candidate for a seat in that Assembly except at a general election of the members of that Assembly.

(3) If a member of an Assembly is elected to a seat in another Assembly, his seat in that first-mentioned Assembly shall become vacant.

Person not to
be candidate for
two seats, etc.

106. (1) A person elected as a member of an Assembly shall not take his seat in the Assembly until he makes before such person as is prescribed by rules of the Assembly an oath in such form set out in the First Schedule as is applicable to a member of the Assembly.

(2) The oath may be made at any time, whether or not the Assembly is in session.

107. The seat of a member of an Assembly shall become vacant if—

- (a) he resigns his seat by notice in writing under his hand addressed to the Speaker of the Assembly ;
- (b) he is absent from the Assembly without the leave of the Assembly for thirty consecutive sitting days of the Assembly ;
- (c) he fails to make the oath referred to in Article 106 within a period of ninety days after the date of his election, unless the Speaker of the Assembly for good cause shown extends the period ; or
- (d) he ceases to be a member of the Assembly under any provision of this Constitution or under any law.

Seat in
Assembly
becomes vacant
in certain
circumstances.

108. (1) After a general election of the members of an Assembly, the Assembly shall, before proceeding to the despatch of any other business—

Speakers
and Deputy
Speakers.

- (a) choose a member to be the Speaker of the Assembly ; and
- (b) choose two other members to be Deputy Speakers of the Assembly, specifying which is the senior of the two.

(2) So often as the office of the Speaker, or of a Deputy Speaker, of an Assembly becomes vacant, the Assembly shall again choose a member to fill the office.

(3) When the office of the senior of the Deputy Speakers becomes vacant, the other Deputy Speaker shall become the senior of the Deputy Speakers.

(4) Before he enters upon his office, a person chosen as the Speaker, or a Deputy Speaker, of an Assembly shall make before such person as is prescribed by rules of the Assembly an oath in such form set out in the First Schedule as is applicable to his office.

(5) At any time when the office of Speaker of an Assembly is vacant, or the Speaker of an Assembly is absent or is unable to perform the functions of his office due to illness or some other cause, or (in the case of the National Assembly) is acting as President, the senior of the Deputy Speakers of the Assembly shall act as Speaker, except that, if at that time, the senior of the Deputy Speakers is absent or is unable to act as Speaker due to illness or some other cause, or (in the case of the National Assembly) is acting as President, the other Deputy Speaker shall act as Speaker.

(6) The Speaker of an Assembly may resign his office by writing under his hand addressed—

- (a) in the case of the National Assembly—to the President ; or
- (b) in the case of the Assembly of a Province—to the Governor of the Province.

(7) A Deputy Speaker of an Assembly may resign his office by writing under his hand addressed to the Speaker of the Assembly.

(8) The office of Speaker, or of a Deputy Speaker, of an Assembly shall become vacant if—

- (a) except as provided in clause (9) of this Article, he ceases to be a member of the Assembly ; or

(b) he is removed from office by a resolution of the Assembly (of which not less than fourteen days notice has been given) passed by a majority of the total number of members of the Assembly.

(9) Where an Assembly stands dissolved (whether by expiration of its term or otherwise), a person holding office as Speaker, or a Deputy Speaker, of the Assembly immediately before the dissolution shall continue to hold office until the person chosen to fill the office by the next Assembly has entered upon his office.

109. There shall be at least two sessions of an Assembly in every period of three hundred and sixty-five days, and not more than one hundred and eighty days shall intervene between the last sitting of an Assembly in one session and its first sitting in the next session.

Sessions of the Assemblies

110. (1) Subject to this Constitution—

Rules of procedure, quorum, etc.

- (a) the procedure of an Assembly shall be regulated by rules of procedure made by the Assembly ;
- (b) a decision in an Assembly shall be taken by a majority of the votes of the members present and voting, but the person presiding shall not vote except when there is an equality of votes, in which case he shall exercise a casting vote ;
- (c) an Assembly may act notwithstanding any vacancy in its membership ; and
- (d) no proceeding in an Assembly shall be invalid by reason only that a person who was not entitled to do so was present at or voted or otherwise participated in the proceedings.

(2) If, at any time during a meeting of an Assembly, the attention of the person presiding at the meeting is drawn to the fact that less than forty members are present, it shall be the duty of the person presiding either to adjourn the meeting, or to suspend the meeting until forty members are present.

111. (1) The validity of any proceedings in an Assembly shall not be questioned in any Court.

(2) An officer or member of an Assembly in whom powers are vested for the regulation of procedure, the conduct of business or the maintenance of order in the Assembly shall not, in relation to the exercise by him of any of those powers, be subject to the jurisdiction of any Court.

(3) A member of, or a person entitled to speak in, an Assembly shall not be liable to any proceedings in any Court in respect of anything said by him, or any vote given by him, in the Assembly or in any committee of the Assembly.

(4) A person shall not be liable to any proceedings in any Court in respect of the publication by or under the authority of an Assembly of any report, paper, vote or proceedings.

(5) No process issued by a Court or other authority shall, except with the leave of the Speaker of the Assembly, be served or executed within the precincts of the place where a meeting of an Assembly is being held.

(6) Subject to this Article, the privileges of an Assembly, of the committees and members of an Assembly and of the persons entitled to speak in an Assembly may be determined by law.

112. The Speaker of an Assembly shall make such arrangements as are necessary to ensure that the members of the Assembly understand the function of the Assembly as an organ of the State and of their own responsibilities as members.

Instruction
in law-making.

Conduct of
members.

113. (1) Each Assembly shall make rules regulating the conduct of members of the Assembly in their capacity as members.

(2) Where the Speaker of an Assembly is satisfied that a member of the Assembly has committed a breach of the rules

in such a way as to have been guilty of gross misconduct, he shall refer the matter for inquiry—

- (a) in the case of the National Assembly—to the Supreme Court ; or
- (b) in the case of a Provincial Assembly—to the High Court of the Province concerned.

(3) If, after inquiry, the Court is satisfied that the member has been guilty of gross misconduct, it shall make a declaration to that effect and, upon the making of the declaration, the member shall cease to be a member of the Assembly.

114. (1) Where, under any provision of this Constitution, the previous consent or recommendation of the President or of a Governor is required to the introduction of a Bill or the moving of an amendment, the giving of the consent or the making of the recommendation shall not preclude him from withholding his assent to the Bill or returning the Bill for reconsideration.

Provisions as
to recommend-
ations.

(2) No Act of the Central Legislature or of a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous consent or recommendation required by this Constitution was not given or made if that Act was assented to in accordance with this Constitution.

CHAPTER 2.—THE CENTRAL AND PROVINCIAL GOVERNMENTS.

115. (1) Neither the President, a Governor nor a Minister shall—

- (a) hold any other office of profit in the service of Pakistan ; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

President,
Governors,
and Ministers
not to hold
office of profit
or engage in paid
employment.

but this Article shall not be construed as preventing the President, a Governor or a Minister from holding or managing his private property.

(2) Clause (1) of this Article does not apply to a person acting as a Governor.

Protection of
President and
Governors
in respect of
legal proceed-
ings during
office.

116. (1) No criminal proceedings whatsoever shall be instituted or continued against the President or a Governor while he is in office.

(2) No civil proceedings in which relief is claimed against the President or a Governor shall be instituted while he is in office in respect of anything done or not done, or purporting to have been done or not done, by him in his personal capacity, whether before or after he entered upon his office, unless, at least sixty days before the proceedings are instituted, notice in writing has been delivered to him, or sent to him in the manner prescribed by law, stating the nature of the proceedings, the cause of action, the name, description and place of residence of the party by whom the proceedings are to be instituted and the relief which he claims.

(3) Except in relation to proceedings referred to in clause (2) of this Article, no process whatsoever shall issue from any Court or tribunal against the President or a Governor, whether in a personal capacity or otherwise, while he is in office.

President,
Governors and
Ministers not
answerable
for official
acts, etc.

117. (1) Subject to this Constitution, neither the President nor a Governor nor a Minister shall, except in respect of anything done or not done by him in contravention of the law, be answerable to any Court or tribunal for the exercise of the powers, or the performance of the duties, of his office, or for any act done or purporting to be done by him in the exercise of those powers or in the performance of those duties.

(2) Clause (1) of this Article shall not be construed as restricting the right of any person to bring appropriate proceedings against the Central Government or a Provincial Government.

Tenure of
office, etc.,
of Governors, of
Ministers and
Parliamentary
Secretaries
appointed by
President, and
of Attorney-
General.

118. (1) A Governor, a Minister or Parliamentary Secretary appointed by a President, and the Attorney-General, shall hold office during the pleasure of the President, and may be removed from office at any time by the President without any reason being assigned for his removal.

(2) A Governor, or a Minister or Parliamentary Secretary appointed by a President, or the Attorney-General, may resign his office by writing under his hand addressed to the President.

(3) A Governor, or a Minister or Parliamentary Secretary appointed by a President, shall cease to hold office upon the successor to that President entering upon his office.

(4) A Parliamentary Secretary appointed by a President shall cease to hold office if he ceases to be a member of the National Assembly.

(5) A Governor, a Minister or Parliamentary Secretary appointed by a President, and the Attorney-General, shall hold office on such terms and conditions as the President may determine.

119. (1) A Minister or Parliamentary Secretary appointed by the Governor of a Province, and the Advocate-General for a Province, shall hold office during the pleasure of the Governor of the Province, and, subject to clause (2) of this Article, may be removed from office at any time by the Governor without any reason being assigned for his removal.

Tenure of
office, etc., of
Ministers and
Parliamentary
Secretaries
appointed by
Governor, and
of Advocates
General.

(2) A Governor shall not remove a Minister from office without the concurrence of the President.

(3) A Minister or Parliamentary Secretary appointed by the Governor of a Province, or the Advocate-General for a Province, may resign his office by writing under his hand addressed to the Governor of the Province.

(4) A Minister or Parliamentary Secretary appointed by a Governor shall cease to hold office upon the successor to that Governor entering upon his office.

(5) A Parliamentary Secretary appointed by a Governor shall cease to hold office if he ceases to be a member of the Assembly of the Province concerned.

(6) A Minister or Parliamentary Secretary appointed by the Governor of a Province, and the Advocate-General for a Province, shall hold office on such terms and conditions as the Governor of the Province, with the concurrence of the President, may determine.

Office of
Parliamentary
Secretary does
not affect
membership of
an Assembly.

120. The appointment or removal of a person as a Parliamentary Secretary, the payment of remuneration to a person as a Parliamentary Secretary or the performance by a person of any functions as a Parliamentary Secretary shall not in any way prejudice or affect his status, position or rights—

(a) in the case of a Parliamentary Secretary appointed by the President—as a member of the National Assembly ; or

(b) in the case of a Parliamentary Secretary appointed by the Governor of a Province—as a member of the Assembly of that Province.

Disqualification
of Governor or
Minister
appointed by
President
from public
office.

121. (1) If, in the opinion of the President, a Governor or a Minister appointed by the President has been guilty of such gross misconduct in relation to his duties that he should be disqualified from holding public office, the President may, in addition to removing him from office, inform him, in writing, that he has the option of agreeing to disqualification from holding public office for such period, not exceeding five years, as is fixed by the President or of having the matter referred to a Tribunal for inquiry.

(2) If, within seven days after he is so informed, the Governor or Minister, by writing addressed to the President,

agrees to the disqualification, he shall be disqualified from holding public office for the period fixed by the President.

(3) If the Governor or Minister does not agree to the disqualification, the President shall forthwith refer the matter for inquiry to a Tribunal consisting of a Judge of the Supreme Court appointed by the President after consultation with the Chief Justice of the Supreme Court.

(4) The Tribunal shall inquire into the matter in such manner as is prescribed by law (or, if no manner is prescribed by law, in such manner as it thinks proper) and, if the Tribunal finds that the Governor or Minister has been guilty of gross misconduct in relation to his duties, his removal from office as Governor or Minister shall be regarded as dismissal from office and he shall be disqualified from holding public office for a period of five years from the date on which the President took action in relation to him under this Article.

122. The Governor of a Province shall have power to take such action in relation to a Minister appointed by him as the President may take under Article 121 in relation to a Minister appointed by the President, and the provisions of that Article shall apply accordingly but so that—

- (a) any reference in those provisions to the President shall be read as reference to the Governor ;
- (b) any reference in those provisions to a Minister appointed by the President shall be read as reference to a Minister appointed by the Governor ; and
- (c) any reference in those provisions to the Supreme Court shall be read as reference to the High Court of the Province concerned.

Disqualification
of Minister
appointed by
Governor from
public office.

CHAPTER 3.—THE CENTRAL AND PROVINCIAL JUDICATURES.

123. (1) In this Article, “Court” means the Supreme Court or a High Court.

Contempt of
Court.

(2) A Court shall have power to punish any person who—
(a) abuses, interferes with or obstructs the process of the

Court in any way or disobeys any order of the Court;

- (b) scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;
- (c) does anything which tends to prejudice the determination of a matter pending before the Court; or
- (d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court.

**Remuneration,
etc., of Judges.**

124. The remuneration and other terms and conditions of service of a Judge of the Supreme Court or of a High Court shall be as provided in the Second Schedule.

Resignation.

125. A Judge of the Supreme Court or of a High Court may resign his office by writing under his hand addressed to the President.

**Judge not to
hold office of
profit, etc.**

126. (1) A Judge of the Supreme Court or of a High Court shall not—

- (a) hold any other office of profit in the service of Pakistan ; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

but this clause shall not be construed as preventing a Judge from holding or managing his private property.

(2) A person who has held office as a Judge of the Supreme Court or of a High Court shall not hold any office of profit in the service of Pakistan before the expiration of two years after he ceased to hold that office.

**Officers and
servants of
Courts.**

127. (1) In this Article, "Court" means the Supreme Court or a High Court.

(2) A Court may (with the approval of the President in the case of the Supreme Court, and of the Governor in the case of a High Court) make Rules providing for the appointment by the Court of officers and servants of the Court, and for their terms and conditions of employment.

128. (1) There shall be a Supreme Judicial Council of Pakistan, in this Article referred to as "the Council".

Supreme
Judicial
Council.

(2) The Council shall consist of—

- (a) the Chief Justice of the Supreme Court ;
- (b) the two next most senior Judges of the Supreme Court ; and
- (c) the Chief Justice of each High Court.

(3) If, at any time, the Council is inquiring into the capacity or conduct of a Judge who is a member of the Council, or a member of the Council is absent or is unable to act as a member of the Council due to illness or some other cause, the Judge of the Supreme Court who is next in seniority below the Judges referred to in paragraph (b) of clause (2) of this Article shall act as a member of the Council in his place.

(4) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

(5) If, on information received from the Council or from any other source, the President is of the opinion that a Judge of the Supreme Court or of a High Court—

- (a) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity ; or
 - (b) may have been guilty of gross misconduct,
- the President shall direct the Council to inquire into the matter.

(6) If, after inquiring into the matter, the Council reports to the President that it is of the opinion—

(a) that the Judge is incapable of performing the duties of his office or has been guilty of gross misconduct ; and

(b) that he should be removed from office,
the President may remove the Judge from office.

(7) A Judge of the Supreme Court or of a High Court shall not be removed from office except as provided by this Article.

129. (1) There shall, in addition to the Supreme Court and the High Courts, be such other Courts as are established by law.

(2) A Court so established shall have such jurisdiction as is conferred on it by law.

130. No Court shall have any jurisdiction that is not conferred on it by this Constitution or by or under the law.

Part VI.—RELATIONS BETWEEN THE CENTRE AND THE PROVINCES.

131. (1) The Central Legislature shall have exclusive power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter enumerated in the Third Schedule.

(2) Where the national interest of Pakistan in relation to—

(a) the security of Pakistan, including the economic and financial stability of Pakistan ;

(b) planning or co-ordination ; or

(c) the achievement of uniformity in respect of any matter in different parts of Pakistan,

so requires, the Central Legislature shall have power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter not enumerated in the Third Schedule.

**Establishment
of other
Courts.**

**Jurisdiction to
be expressly
conferred.**

**Central
law-making
powers.**

(3) If—

- (a) it appears to the Assembly of a Province to be desirable that a matter not enumerated in the Third Schedule should be regulated in the Province by an Act of the Central Legislature ; and
- (b) a resolution to that effect is passed by the Provincial Assembly,

the Central Legislature shall have power to make laws having effect in the Province with respect to that matter, but any law made in pursuance of this power may be amended or repealed by an Act of the Provincial Legislature.

(4) The Central Legislature shall have power (but not exclusive power) to make laws for the Islamabad Capital Territory and the Dacca Capital Territory with respect to any matter not enumerated in the Third Schedule.

(5) The Central Legislature shall have power to make laws for any part of Pakistan not forming part of a Province with respect to any matter.

132. A Provincial Legislature shall have power to make laws for the Province, or any part of the Province, with respect to any matter other than a matter enumerated in the Third Schedule.

Provincial
law-making
powers.

133. (1) The responsibility of deciding whether a legislature has power under this Constitution to make a law is that of the legislature itself.

Responsibility
of legislatures
to make laws
within legislative
power.

(2) The validity of a law shall not be called in question on the ground that the legislature by which it was made had no power to make the law.

134. When a Provincial Law is inconsistent with a Central Law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Inconsistency
of laws.

135. The executive authority of the Republic extends—
- (a) to all matters with respect to which the Central Legislature has exclusive power to make laws under clause (1) of Article 131 ;
 - (b) where a law made by the Central Legislature in pursuance of clause (2), clause (3) or clause (4) of Article 131 provides that the law shall be administered by the Central Government—to the execution of that law ; and
 - (c) in relation to a part of Pakistan not forming part of a Province—to all matters.

136. (1) Subject to clause (2) of this Article, the executive authority of a Province extends to all matters with respect to which the Legislature of the Province has power to make laws.

(2) The executive authority of a Province does not extend to the execution of a law made by the Central Legislature to which paragraph (b) of Article 135 applies.

137. (1) The Central Government shall not, in respect of its property or income, be liable to taxation under any Provincial Law, and, subject to clause (2) of this Article, a Provincial Government shall not, in respect of its property or income, be liable to taxation under a Central Law or under a Provincial Law of the other Province.

(2) If a trade or business of any kind is carried on by or on behalf of the Government of a Province outside that Province, that Government may, in respect of any property used in connection with that trade or business or any income arising from that trade or business, be taxed under a Central Law or under a Provincial Law of the other Province.

(3) Nothing in this Article shall prevent the imposition of fees for services rendered.

138. The Central Legislature may by law make grants in aid of the revenues of a Provincial Government that may be in need of assistance.

139. The executive authority of the Central Government extends to borrowing upon the security of the Central Consolidated Fund within such limits, if any, as may be determined by Act of the Central Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

140. (1) Subject to the provisions of this Article, the executive authority of a Province extends to borrowing upon the security of the Provincial Consolidated Fund within such limits, if any, as may be determined by Act of the Provincial Legislature, and to the giving of guarantees within such limits, if any, as may be so determined.

(2) A Provincial Government shall not, without the consent of the Central Government—

- (a) borrow outside Pakistan ; or
- (b) raise any loan at a time when there is outstanding any part of—
 - (i) a loan made to the Province concerned by the Central Government ; or
 - (ii) any other loan raised by the Province in respect of which a guarantee has been given by the Central Government.

(3) The Central Government may, subject to such conditions, if any, as it may think fit to impose, make loans to a Provincial Government and, within such limits as may be fixed by Act of the Central Legislature, give guarantees in respect of loans raised by a Provincial Government, and any sums required for the purpose of making loans to a Provincial Government shall be charged upon the Central Consolidated Fund.

(4) A consent under this Article may be granted subject to such conditions, if any, as the Central Government may think fit to impose, but no such consent shall be unreasonably withheld, nor shall the Central Government refuse, if sufficient cause is

shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Provincial Government, or seek to impose in respect of any of the matters aforesaid any condition that is unreasonable, and if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the dispute shall be referred to the National Assembly for consideration.

Provincial taxes
in respect of
professions, etc.

141. A Provincial Law may impose taxes, not exceeding such limits as may from time to time be fixed by Act of the Central Legislature, on persons engaged in professions, trades, callings or employments, and no such Provincial Law shall be regarded as imposing a tax on income.

Inter-Provincial
trade.

142. (1) Subject to clause (2) of this Article, the Legislature of a Province shall not have power—

- (a) to make any law prohibiting or restricting the entry into, or the export from, the Province of any goods; or
- (b) to impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former goods or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in any locality in Pakistan and similar goods produced in any other locality in Pakistan.

(2) No Provincial Law which imposes any reasonable restriction in the interest of public health, public order or morality or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of an essential commodity shall, if it was made with the consent of the President, be invalid by reason of this Article.

143. (1) Notwithstanding anything in this Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer or authority of that Government, functions in relation to any matter to which the executive authority of the Republic extends.

(2) An Act of the Central Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties, or authorize the conferment of powers and the imposition of duties, upon a Provincial Government or officers or authorities of a Provincial Government.

(3) Where, by virtue of this Article, functions have been entrusted to, or powers and duties have been conferred or imposed upon, a Provincial Government or officers or authorities of a Provincial Government, there shall be paid by the Central Government to the Provincial Government such sums as may be agreed (or if there is no agreement, as may be determined by Act of the Central Legislature) in respect of any extra costs incurred by the Provincial Government in connection with the performance of those functions, the exercise of those powers or the discharge of those duties.

144. (1) The President may, from time to time, constitute a National Finance Commission for the purposes of clause (4) of this Article.

(2) The President shall constitute a National Finance Commission for the purposes of clause (6) of this Article not later than fifteen months before the expiration of each period specified by the National Economic Council under clause (5) of Article 145 (in this Article referred to as a "plan period").

(3) A National Finance Commission shall consist of the Ministers in charge of the portfolios of Finance in the Central and the Provincial Governments and such other persons as, after consultation with the Governors of the Provinces, the President may appoint.

shown, to make a loan to, or to give a guarantee in respect of a loan raised by, a Provincial Government, or seek to impose in respect of any of the matters aforesaid any condition that is unreasonable, and if any dispute arises whether a refusal of consent, or a refusal to make a loan or to give a guarantee, or any condition insisted upon, is or is not justifiable, the dispute shall be referred to the National Assembly for consideration.

**Provincial taxes
in respect of
professions, etc.**

141. A Provincial Law may impose taxes, not exceeding such limits as may from time to time be fixed by Act of the Central Legislature, on persons engaged in professions, trades, callings or employments, and no such Provincial Law shall be regarded as imposing a tax on income.

**Inter-Provincial
trade.**

142. (1) Subject to clause (2) of this Article, the Legislature of a Province shall not have power—

(a) to make any law prohibiting or restricting the entry into, or the export from, the Province of any goods ; or

(b) to impose a tax which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former goods or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in any locality in Pakistan and similar goods produced in any other locality in Pakistan.

(2) No Provincial Law which imposes any reasonable restriction in the interest of public health, public order or morality or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of an essential commodity shall, if it was made with the consent of the President, be invalid by reason of this Article.

143. (1) Notwithstanding anything in this Constitution, the President may, with the consent of a Provincial Government, entrust either conditionally or unconditionally to that Government, or to any officer or authority of that Government, functions in relation to any matter to which the executive authority of the Republic extends.

(2) An Act of the Central Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties, or authorize the conferment of powers and the imposition of duties, upon a Provincial Government or officers or authorities of a Provincial Government.

(3) Where, by virtue of this Article, functions have been entrusted to, or powers and duties have been conferred or imposed upon, a Provincial Government or officers or authorities of a Provincial Government, there shall be paid by the Central Government to the Provincial Government such sums as may be agreed (or if there is no agreement, as may be determined by Act of the Central Legislature) in respect of any extra costs incurred by the Provincial Government in connection with the performance of those functions, the exercise of those powers or the discharge of those duties.

144. (1) The President may, from time to time, constitute a National Finance Commission for the purposes of clause (4) of this Article.

(2) The President shall constitute a National Finance Commission for the purposes of clause (6) of this Article not later than fifteen months before the expiration of each period specified by the National Economic Council under clause (5) of Article 145 (in this Article referred to as a "plan period").

(3) A National Finance Commission shall consist of the Ministers in charge of the portfolios of Finance in the Central and the Provincial Governments and such other persons as, after consultation with the Governors of the Provinces, the President may appoint.

(4) A National Finance Commission constituted for the purposes of this clause shall make recommendations to the President with respect to—

- (a) the distribution between the Central Government and the Provincial Governments of the proceeds (after deducting the cost of their collection) of the following taxes :—
 - (i) Taxes on income, including corporation tax, but not including taxes on income consisting of remuneration paid out of the Central Consolidated Fund :
 - (ii) Taxes on sales and purchases :
 - (iii) Export duty on jute and cotton, and such other export duties as may be specified by the President :
 - (iv) Such duties of excise imposed under a Central Law as may be specified by the President :
 - (v) Such other taxes as may be specified by the President ;
- (b) the making of grants-in-aid by the Central Government to the Provincial Governments ;
- (c) the exercise by the Central Government and the Provincial Governments of the borrowing powers conferred by this Constitution ; and
- (d) any other matter relating to finance referred to the Commission by the President.

(5) As soon as is practicable after receiving the recommendations of the Commission referred to in clause (4) of this Article, the President shall, after considering the recommendations, specify by Order the share of the proceeds of the taxes referred to in paragraph (a) of clause (4) of this Article which is to be allocated to each Provincial Government, and that share

shall be paid to the Government of the Province concerned, and notwithstanding Article 37, shall not form part of the Central Consolidated Fund.

(6) A National Finance Commission constituted for the purposes of this clause shall submit to the President, not later than six months before the expiration of the plan period during which it is constituted—

(a) a report on the progress made during that period in advancing the object referred to in clause (4) of Article 145 ; and

(b) recommendations as to the manner in which that object should be achieved in the next succeeding plan period.

(7) The President shall furnish a copy of the report and the recommendations submitted to him under clause (6) of this Article to the National Economic Council, which shall take those recommendations into account in formulating its plans.

(8) Any recommendations of a National Finance Commission furnished to the President shall, together with an explanatory memorandum as to the action taken on them, be laid before the National Assembly and before each of the Provincial Assemblies.

(9) The same Commission may be constituted for the purposes of clause (4) and clause (6) of this Article.

145. (1) As soon as is practicable after the commencing day, the President shall constitute a Council, to be known as the National Economic Council.

National
Economic
Council.

(2) The Council shall consist of such persons as are appointed to the Council by the President, who shall be members of the Council during the pleasure of the President.

(3) The Council shall, from time to time, and whenever so directed by the President, review the overall economic position of Pakistan, formulate plans with respect to financial, commercial and economic policies and the economic development of Pakistan and inform the Central and the Provincial Governments of those plans.

(4) A primary object of the Council in formulating the plans referred to in clause (3) of this Article shall be to ensure that disparities between the Provinces, and between different areas within a Province, in relation to income *per capita*, are removed and that the resources of Pakistan (including resources in foreign exchange) are used and allocated in such manner as to achieve that object in the shortest possible time, and it shall be the duty of each Government to make the utmost endeavour to achieve that object.

(5) The plans formulated by the Council in pursuance of clause (3) of this Article in relation to the economic development of Pakistan shall be formulated with respect to periods specified by the Council.

(6) The Council may, from time to time, appoint such committees or bodies of experts as it considers necessary to assist it in the performance of its functions.

(7) Nothing in this Article shall affect the exercise of the executive authority of the Central Government or of a Provincial Government.

(8) The Council shall submit every year to the National Assembly a report on the results obtained and the progress made in the achievement of the object referred to in clause (4) of this Article, and a copy of the report shall also be laid before each Provincial Assembly.

146. (1) Any property that has no rightful owner, shall, if located in a Province, vest in the Government of that Province, and in every other case, in the Central Government.

(2) All lands, minerals and other things of value underlying the ocean within the territorial waters of Pakistan shall vest in the Central Government.

Part VII.—ELECTIONS.

CHAPTER 1.—CHIEF ELECTION COMMISSIONER AND ELECTION COMMISSIONS.

147. (1) There shall be a Chief Election Commissioner (in this Part referred to as the Commissioner), who shall be appointed by the President.

Chief Election
Commissioner.

(2) The Commissioner shall have such powers and functions as are conferred on him by this Constitution and law.

148. Before he enters upon his office, a Commissioner shall make before the Chief Justice of the Supreme Court an oath in such form set out in the First Schedule as is applicable to his office.

Commissioner's
Oath of Office.

149. A Commissioner shall be entitled to the same salary and allowances as a Judge of the Supreme Court and his other terms and conditions of service shall be determined by Act of the Central Legislature or, until so determined, by rules made by the President.

Salary and
allowances of
Commissioner.

150. (1) A Commissioner shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

Term of office of
Commissioner.

(2) A Commissioner shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to the Commissioner.

(3) An Assembly may, through the Speaker of the Assembly, request the President to cause the conduct of the Commissioner to be inquired into by the Supreme Judicial Council.

(4) A Commissioner may resign his office by writing under his hand addressed to the President.

Commissioner
not to hold
office of profit,
etc.

151. (1) A Commissioner shall not—

- (a) hold any other office of profit in the service of Pakistan ; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

but this clause shall not be construed as preventing a Commissioner from holding or managing his private property.

(2) A person who has held office as Commissioner shall not hold any office of profit in the service of Pakistan before the expiration of two years after he ceased to hold that office.

(3) Notwithstanding clause (2) of this Article, a person who has held office as Commissioner may, with the concurrence of the National Assembly, be re-appointed to that office before the expiration of two years after he ceased to hold that office.

Acting
Commissioner.

152. At any time when—

- (a) the office of Commissioner is vacant ; or
- (b) the Commissioner is absent or is unable to perform the functions of his office due to illness or some other cause,

a Judge of the Supreme Court nominated by the Chief Justice of that Court shall act as Chief Election Commissioner and perform the functions of that office.

Election
Commission.

153. (1) For the purposes of—

- (a) each election for the office of President ;
- (b) each general election of the members of an Assembly ; and

(c) each referendum required to be held under this Constitution,

an Election Commission shall be constituted in accordance with this Article.

(2) An Election Commission shall consist of—

- (a) the Commissioner, who shall be Chairman of the Commission ; and
- (b) a Judge of the High Court of the Province of East Pakistan and a Judge of the High Court of the Province of West Pakistan, each of whom shall be appointed by the President after consultation with the Chief Justice of the High Court concerned and with the Commissioner.

(3) It shall be the duty of an Election Commission constituted in relation to an election or referendum to conduct the election or referendum, and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with the law and that corrupt practices are guarded against.

154. The Commissioner may (with the approval of the President) make Rules providing for the appointment by the Commissioner of officers and servants to be employed in connection with the functions of the Commissioner or any Election Commission, and for their terms and conditions of employment.

Officers and
servants.

CHAPTER 2.—THE ELECTORAL COLLEGE AND THE CONSTITUENCIES.

155. (1) Each Province shall, in accordance with law, be divided into not less than Forty thousand territorial units, which shall be known as electoral units.

Electoral units.

(2) The number of electoral units in each Province shall be the same.

Electoral rolls.

156. An electoral roll shall, in accordance with law, be established and maintained for each electoral unit.

Adult franchise.

157. Except as provided by law, any citizen—

- (a) who is not less than twenty-one years of age ;
- (b) who is not of unsound mind ; and
- (c) who is a resident of, or who is deemed by law to be a resident of, an electoral unit,

shall be entitled to be enrolled on the electoral roll for that electoral unit.

Electoral College of Pakistan.

158. (1) The persons enrolled on the electoral roll for an electoral unit shall, in accordance with law, from time to time elect from amongst themselves a person who is not less than twenty-five years of age, who shall be known as the Elector for that unit.

(2) The Electors for all electoral units in both Provinces shall together constitute the Electoral College of Pakistan and shall be known as the members of the Electoral College.

(3) Provision may be made by law for prescribing the period for which, and terms and conditions subject to which, Electors shall remain members of the Electoral College.

(4) The members of the Electoral College shall, in addition to their functions under this Constitution, have such other functions as may be conferred on them by law and, in particular, provision may be made by law for conferring on members of the Electoral College functions in relation to matters of local government.

Oath of Electors.

159. As soon as is practicable after he has been elected, an Elector shall, in the manner prescribed by law, make an oath in such form set out in the First Schedule as is applicable to members of the Electoral College.

Provincial Constituencies.

160. (1) The Commissioner shall, in accordance with law, from time to time arrange the electoral units of each Province

into groups (which shall be known as Provincial Constituencies), so that there are one hundred and fifty such Constituencies in each Province and so that each such Constituency is one undivided area.

(2) The Electors for the electoral units included in a Provincial Constituency shall be the constituents for one seat (not being a seat reserved exclusively for women) in the Assembly of the Province in which the Constituency is included.

161. (1) The Commissioner shall also, in accordance with law, from time to time arrange the electoral units of each Province into other groups (which shall be known as Central Constituencies), so that there are seventy-five such Constituencies in each Province and so that each such Constituency is one undivided area.

**Central
Constituencies.**

(2) The Electors for the electoral units included in a Central Constituency shall be the constituents for one seat (not being a seat reserved exclusively for women) in the National Assembly.

162. (1) For the purposes of the election of members to the seats in the Provincial Assemblies reserved exclusively for women, the Commissioner shall, in accordance with law, from time to time divide each Province into five zones.

**Zones for
purposes of
elections to
seats reserved
for women.**

(2) For the purposes of the election of members to the seats in the National Assembly reserved exclusively for women, the Commissioner shall, in accordance with law, from time to time divide each Province into three zones.

163. It shall be the duty of all executive authorities to assist the Commissioner and any Election Commission in the discharge of his or its functions.

**Executive
authorities
to assist
Commissioner
and Commission.**

CHAPTER 3.—CONDUCT OF ELECTIONS AND REFERENDUMS.

164. Elections and referendums required to be held under this Constitution shall, subject to this Constitution, be conducted and decided in such manner as may be provided by law.

**Manner of
conducting
elections.**

165. (1) An election for the office of President shall be decided by the votes of the members of the Electoral College.

(2) Subject to clauses (3) and (4) of this Article, an election for the office of President shall be held within the period of one hundred and twenty days immediately preceding the day on which the term of office of a President is due to expire, and the results of the election shall be declared not later than fourteen days before that day, but the person elected shall not enter upon the office of President before that office is vacant.

(3) When a President dissolves the National Assembly, an election for the office of President shall be held within the period of one hundred and twenty days after the dissolution, but polling at the election shall not take place until sixty days have elapsed from the date of the dissolution.

(4) When a President ceases to hold office (otherwise than following a dissolution of the National Assembly) before the expiration of his term of office, an election for the office of President shall be held within the period of ninety days after he ceases to hold office.

(5) When a person, having been elected as President, fails to enter upon his office, an election to elect another person in his place shall be held as soon as is practicable.

166. (1) Except as provided by this Article, a person who is, and has for a continuous period of more than eight years, been holding office as President is not eligible to be re-elected as President.

(2) If a person referred to in clause (1) of this Article is a candidate for election to the office of President, the Commissioner shall inform the Speaker of the National Assembly of the candidature, and the Speaker shall forthwith

convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) to consider the candidature.

(3) If the majority of the members present at the joint sitting, by secret ballot, approve of the candidature, the President shall be eligible for re-election.

(4) Clauses (2) and (3) of this Article do not apply at a time when a Provincial Assembly stands dissolved.

167. (1) If the number of candidates for election to the office of President exceeds three, the Commissioner shall inform the Speaker of the National Assembly of the fact, and the Speaker shall forthwith convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) to select three of the candidates for election.

(2) The members present at the joint sitting shall, by secret ballot, select three of the candidates for election, and any candidate not selected shall not be eligible for election.

(3) A candidate may address the members present at the joint sitting and may be questioned by any of those members.

(4) Where the person holding office as President is a candidate for election, his candidature shall be disregarded for the purposes of this Article.

(5) This Article does not apply at any time when a Provincial Assembly stands dissolved.

168. (1) The election of a person to a seat (not being a seat reserved exclusively for women) in the National Assembly or a Provincial Assembly shall be decided by the votes of the constituents for that seat.

(2) A general election of members of the National Assembly or a Provincial Assembly shall be held within the period of one hundred and twenty days immediately preceding the day on which the term of the Assembly is due to expire (unless the

Joint sitting to
select three
candidates at
Presidential
election.

Assembly
Elections.

165. (1) An election for the office of President shall be decided by the votes of the members of the Electoral College.

(2) Subject to clauses (3) and (4) of this Article, an election for the office of President shall be held within the period of one hundred and twenty days immediately preceding the day on which the term of office of a President is due to expire, and the results of the election shall be declared not later than fourteen days before that day, but the person elected shall not enter upon the office of President before that office is vacant.

(3) When a President dissolves the National Assembly, an election for the office of President shall be held within the period of one hundred and twenty days after the dissolution, but polling at the election shall not take place until sixty days have elapsed from the date of the dissolution.

(4) When a President ceases to hold office (otherwise than following a dissolution of the National Assembly) before the expiration of his term of office, an election for the office of President shall be held within the period of ninety days after he ceases to hold office.

(5) When a person, having been elected as President, fails to enter upon his office, an election to elect another person in his place shall be held as soon as is practicable.

166. (1) Except as provided by this Article, a person who is, and has for a continuous period of more than eight years, been holding office as President is not eligible to be re-elected as President.

(2) If a person referred to in clause (1) of this Article is a candidate for election to the office of President, the Commissioner shall inform the Speaker of the National Assembly of the candidature, and the Speaker shall forthwith

convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) to consider the candidature.

(3) If the majority of the members present at the joint sitting, by secret ballot, approve of the candidature, the President shall be eligible for re-election.

(4) Clauses (2) and (3) of this Article do not apply at a time when a Provincial Assembly stands dissolved.

167. (1) If the number of candidates for election to the office of President exceeds three, the Commissioner shall inform the Speaker of the National Assembly of the fact, and the Speaker shall forthwith convene a joint sitting of the members of the National Assembly and of the Provincial Assemblies (or, if the National Assembly stands dissolved, of the Provincial Assemblies only) to select three of the candidates for election.

(2) The members present at the joint sitting shall, by secret ballot, select three of the candidates for election. Any candidate not selected shall not be eligible for election.

(3) A candidate may address the members of the joint sitting and may be questioned by any of them.

(4) Where the person holding office as Vice-President candidate for election, his candidature shall be considered for the purposes of this Article.

(5) This Article does not apply at a time when a Provincial Assembly stands dissolved.

168. (1) The election of a person (whether reserved exclusively for women) in a seat in a Provincial Assembly shall be decided by the electors for that seat.

(2) A general election of a seat in a Provincial Assembly or a Provincial Assembly shall be held within one hundred and twenty days from the day on which the term of the Assembly begins.

Assembly has been sooner dissolved), and the results of the election shall be declared not later than fourteen days before that day.

(3) When an Assembly is dissolved, a general election of members of the Assembly shall be held within a period of ninety days after the dissolution.

Election of women members.

169. (1) After a general election of members of a Provincial Assembly, the persons elected as members shall, before the first meeting of the Assembly, elect five members to the seats in the Assembly reserved exclusively for women, so that there is one woman member for each zone referred to in clause (1) of Article 162.

(2) Subject to clause (3) of this Article, after a general election of the members of the National Assembly, each Provincial Assembly shall, before the first meeting of the National Assembly, elect three members to the seats in the National Assembly reserved exclusively for women, so that there is one woman member for each zone referred to in clause (2) of Article 162.

(3) Where a general election of the members of the National Assembly is held at or about the same time as a general election of the members of a Provincial Assembly, the persons elected as members of the Provincial Assembly may, before the first meeting of that Assembly, conduct the election referred to in clause (2) of this Article.

Casual vacancies.

170. Where, except by dissolution of an Assembly, a seat in an Assembly has become vacant not later than one hundred and eighty days before the term of the Assembly is due to expire, an election to fill the seat shall be held within such time as may be prescribed by law.

Disputed elections.

171. (1) Subject to clause (2) of this Article, provision may be made by law—

(a) for disputes arising in connection with the counting of votes at an election or referendum required to be

held under this Constitution to be finally determined by the Commissioner or an Election Commission ; and

- (b) for other disputes arising in connection with such an election or referendum to be finally determined by a tribunal established for that purpose,

and no dispute arising in connection with such an election or referendum shall be decided otherwise than under such a law, and the validity of such an election or referendum shall not be called in question except in accordance with such a law.

(2) When a person has been declared to have been elected as President, the validity of the election shall not be called in question in any manner before or by any Court or authority whatsoever.

(3) The validity of anything done by the Commissioner under Article 160, 161 or 162 shall not be called in question in any manner before or by any Court or authority whatsoever.

172. All elections and referendums under this Part shall be decided by secret ballot.

Secret ballot.

173. Except as permitted by Act of the Central Legislature, any person who, in connection with an election required to be held under this Constitution, holds out himself or any other person as being a member of, or as having the support of, a political party or any similar organisation shall be punishable in such manner as may be prescribed by Act of the Central Legislature, but provision shall be made by law for ensuring—

Restriction
on canvassing
for votes ;
meetings
between
candidates and
constituents.

- (a) that each candidate at an election has the opportunity, and so far as is practicable, equal opportunity with other candidates, of addressing the persons who are entitled to vote at the election ; and
- (b) that the persons entitled to vote at the election have the opportunity of questioning each candidate, face to face.

Part VIII.—THE SERVICES OF PAKISTAN.

CHAPTER 1.—TERMS AND CONDITIONS OF SERVICE, ETC.

Terms and
conditions of
service to be
regulated by
law.

Persons in
public service
to be citizens.

Tenure of
office of persons
in services, etc.

174. Subject to this Constitution, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan may be regulated by law.

175. (1) A person who is not a citizen of Pakistan shall not, except as provided in clause (2) of this Article, be eligible to hold any office in the service of Pakistan.

(2) A person who, immediately before the commencing day, was in the service of Pakistan shall not be disqualified from continuing in the service of Pakistan by reason only that he is not a citizen of Pakistan.

176. Subject to this Constitution—

(a) a person who is a member of an All-Pakistan Service, of any of the Defence Services of Pakistan or of a civil service of the Centre, or who holds a post connected with defence or a civil post in connection with the affairs of the Centre, shall hold office during the pleasure of the President ; and

(b) a person who is a member of a civil service of a Province, or who, except as a member of an All-Pakistan Service, holds a civil post in connection with the affairs of a Province, shall hold office during the pleasure of the Governor of the Province.

177. (1) Subject to this Constitution, a person who is a member of an All-Pakistan Service or of a civil service of the Centre or of a Province, or who holds a civil post in connection with the affairs of the Centre or of a Province—

(a) shall not be dismissed or removed from service, or reduced in rank, by an authority subordinate to

Removal from
office, etc.

that by which he was appointed unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate ; and

(b) subject to clause (2) of this Article, shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

(2) Paragraph (b) of clause (1) of this Article shall not apply—

(a) where a person is dismissed or removed from service, or reduced in rank, on the ground of conduct which has led to his conviction, entailing imprisonment, on a criminal charge ; or

(b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or that it would be prejudicial to the security of Pakistan for the person to be given such an opportunity.

178. (1) Subject to this Constitution and law—

(a) appointments to an All-Pakistan Service or to a civil service of the Centre, or to a civil post in connection with the affairs of the Centre, shall be made by the President or a person authorized by the President in that behalf ; and

(b) appointments to a civil service of a Province, or to a civil post in connection with the affairs of a Province, shall be made by the Governor of the Province or a person authorized by the Governor in that behalf.

Appointments
to civil posts,
etc.

(2) Subject to this Constitution and law, the terms and conditions of service of persons serving in a civil capacity in the service of Pakistan (other than persons whose terms and conditions of service are specified in this Constitution) shall be as prescribed—

- (a) in the case of a person who is a member of an All-Pakistan Service or who is serving in connection with the affairs of the Centre—by rules made by the President or by a person authorized by the President in that behalf ; and
- (b) in the case of a person (not being a member of an All-Pakistan Service) who is serving in connection with the affairs of a Province—by rules made by the Governor of the Province or by a person authorized by the Governor in that behalf.

(3) Rules made for the purposes of clause (2) of this Article shall be so framed as to ensure—

- (a) that the terms and conditions of service of a person (in so far as those terms and conditions relate to remuneration or age fixed for superannuation) are not varied to his disadvantage ; and
- (b) that where an order is made which—
 - (i) punishes or formally censures a person ;
 - (ii) alters or interprets to the disadvantage of a person any rule affecting his terms or conditions of service ; or
 - (iii) terminates the employment of a person otherwise than upon his reaching the age fixed for superannuation.

he shall, except where the order is made by the President or a Governor, have at least one appeal against the order and, where the order is made by the President or a Governor, he shall have the right to apply to the President or the Governor for a review of the order.

179. (1) Subject to this Constitution and law, the President, in relation to the affairs of the Centre, and the Governor of a Province, in relation to the affairs of a Province, may authorize the temporary employment of persons in the service of Pakistan and may make rules for regulating such temporary employment.

Temporary employees.

(2) The preceding Articles of this Chapter (other than Article 174) do not apply to or in relation to the temporary employment of persons in the service of Pakistan.

CHAPTER 2.—THE PUBLIC SERVICE COMMISSIONS.

180. There shall be a Central Public Service Commission for the Centre, and a Provincial Public Service Commission for each Province.

Public Service Commissions.

181. In the case of the Central Public Service Commission, the President, and in the case of a Provincial Public Service Commission, the Governor of the Province concerned, may by Order determine—

Composition of Public Service Commissions.

- (a) the number of members of the Commission ; and
- (b) the number of members of the staff of the Commission and their terms and conditions of service.

182. (1) The members of the Central Public Service Commission shall be appointed by the President, and the members of a Provincial Public Service Commission shall be appointed by the Governor of the Province concerned.

Appointment, etc., of members of Public Service Commissions.

(2) The terms and conditions of service of a member of the Central Public Service Commission shall be determined by Act of the Central Legislature or, until so determined, by the President, and the terms and conditions of service of a member of a Provincial Public Service Commission shall be determined by Act of the Legislature of the Province concerned or, until so determined, by the Governor of the Province.

(3) Not less than one-half of the members of a Commission shall be persons who are at the time of appointment, or who have been at some time before appointment, in the service of Pakistan.

(4) Where a person appointed as member of a Commission was, immediately before his appointment, in the service of Pakistan, his rights as a person in the service of Pakistan shall not, subject to his appointment and service as such a member, be affected.

Oath of Office. 183. (1) Before entering upon his office, a member of a Commission shall make an oath in such form set out in the First Schedule as is applicable to his office.

(2) The oath shall be made—

- (a) in the case of a member of the Central Public Service Commission—before the Chief Justice of the Supreme Court ; and
- (b) in the case of a member of a Provincial Public Service Commission—before the Chief Justice of the High Court of the Province concerned.

Term of Office. 184. (1) A member of a Commission shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

(2) A member of a Commission shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to a member of the Commission.

(3) A member of a Commission may resign his office by writing under his hand addressed—

- (a) in the case of the Central Public Service Commission—to the President ; and
- (b) in the case of a Provincial Public Service Commission—to the Governor of the Province concerned.

185. (1) The functions of the Central Public Service Commission shall be—

Functions of
Central Public
Service
Commission.

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre ;
- (b) to advise the President on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the President ; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the President, after consulting the Commission, may provide otherwise by Order, the President shall, in relation to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre, consult the Central Public Service Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts ;
- (b) the principles on which appointments and promotions should be made ;
- (c) the principles on which persons belonging to one service should be transferred to another ;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights ; and
- (e) disciplinary matters.

186. (1) The functions of a Provincial Public Service Commission shall be—

Functions of
Provincial
Public Service
Commission.

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the Province concerned and civil posts connected with the affairs of the Province ;

(3) Not less than one-half of the members of a Commission shall be persons who are at the time of appointment, or who have been at some time before appointment, in the service of Pakistan.

(4) Where a person appointed as member of a Commission was, immediately before his appointment, in the service of Pakistan, his rights as a person in the service of Pakistan shall not, subject to his appointment and service as such a member, be affected.

Oath of Office. 183. (1) Before entering upon his office, a member of a Commission shall make an oath in such form set out in the First Schedule as is applicable to his office.

(2) *The oath shall be made—*

- (a) in the case of a member of the Central Public Service Commission—before the Chief Justice of the Supreme Court ; and
- (b) in the case of a member of a Provincial Public Service Commission—before the Chief Justice of the High Court of the Province concerned.

Term of Office. 184. (1) A member of a Commission shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

(2) A member of a Commission shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to a member of the Commission.

(3) A member of a Commission may resign his office by writing under his hand addressed—

- (a) in the case of the Central Public Service Commission—to the President ; and
- (b) in the case of a Provincial Public Service Commission—to the Governor of the Province concerned.

**Functions of
Central Public
Service
Commission.**

185. (1) The functions of the Central Public Service Commission shall be—

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre ;
- (b) to advise the President on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the President ; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the President, after consulting the Commission, may provide otherwise by Order, the President shall, in relation to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre, consult the Central Public Service Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts ;
- (b) the principles on which appointments and promotions should be made ;
- (c) the principles on which persons belonging to one service should be transferred to another ;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights ; and
- (e) disciplinary matters.

186. (1) The functions of a Provincial Public Service Commission shall be—

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the Province concerned and civil posts connected with the affairs of the Province ;

**Functions of
Provincial
Public Service
Commission.**

- (b) to advise the Governor of the Province on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the Governor ; and
- (c) such other functions as may be prescribed by law.
- (2) Except to the extent that the Governor of a Province, after consulting the Public Service Commission of the Province, may provide otherwise by Order, the Governor shall, in relation to the civil services of the Province and civil posts connected with the affairs of the Province, consult the Commission with respect to—
- (a) matters relating to qualifications for, and methods of recruitment to, services and posts ;
 - (b) the principles on which appointments and promotions should be made ;
 - (c) the principles on which persons belonging to one service should be transferred to another ;
 - (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights ; and
 - (e) disciplinary matters.

Reference by
Province to
the Central
Commission.

187. The Governor of a Province may, with the approval of the President, refer to the Central Public Service Commission a matter relating to the services of the Province or posts connected with the affairs of the Province.

Commission to
be advised
when advice
not acceptable.

Annual Report.

188. Where the President or a Governor does not accept the advice of a Commission, he shall inform the Commission accordingly.

189. (1) Each Commission shall, not later than the fifteenth day of January in each year, prepare a report on its activities during the year ending on the previous thirty-first day of December and submit the report—

- (a) in the case of the Central Public Service Commission—to the President ; and

- (b) in the case of the Public Service Commission of a Province—to the Governor of the Province.
- (2) The report shall be accompanied by a memorandum setting out, so far as is known to the Commission—
- (a) the cases, if any, in which its advice was not accepted, and the reasons why the advice was not accepted ; and
 - (b) the cases where the Commission ought to have been consulted but was not consulted, and the reasons why it was not consulted.
- (3) The President or the Governor, as the case may be, shall cause the report and memorandum to be laid before the National Assembly or the Provincial Assembly, as the case requires, at the first meeting of the Assembly held after the thirty-first day of January in the year in which the report was submitted.

190. In this Chapter, “ Commission ” means the Central Public Service Commission or a Provincial Public Service Commission. Definition.

Part IX.—THE COMPTROLLER AND AUDITOR-GENERAL.

191. (1) There shall be a Comptroller and Auditor-General of Pakistan, who shall be appointed by the President.

(2) The terms and conditions of service of the Comptroller and Auditor-General shall be determined by Act of the Central Legislature or, until so determined, by rules made by the President.

Comptroller
and Auditor-
General of
Pakistan.

192. Before he enters upon his office, a Comptroller and Auditor-General shall make before the Chief Justice of the Supreme Court an oath in such form set out in the First Schedule as is applicable to his office.

Oath of Office.

Term of Office.

193. (1) A Comptroller and Auditor-General shall, subject to this Article, hold office until he attains the age of sixty years.

(2) A Comptroller and Auditor-General shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General may resign his office by writing under his hand addressed to the President.

**Comptroller
and Auditor-
General not to
hold office of
profit, etc.**

194. (1) The Comptroller and Auditor-General shall not—

- (a) hold any other office of profit in the service of Pakistan ; or
- (b) occupy any other position carrying the right to remuneration for the rendering of services,

but this Article shall not be construed as preventing the Comptroller and Auditor-General from holding or managing his private property.

(2) A person who has held office as Comptroller and Auditor-General shall not hold any office of profit in the service of Pakistan before the expiration of two years after he ceased to hold that office.

**Acting
Comptroller and
Auditor-General.**

195. At any time when—

- (a) the office of Comptroller and Auditor-General is vacant ; or
- (b) the Comptroller and Auditor-General is absent or is unable to perform the functions of his office due to illness or some other cause,

such other person as the President may direct shall act as Comptroller and Auditor-General and perform the functions of that office.

196. The Comptroller and Auditor-General shall perform such functions and exercise such powers, and prepare such reports, in relation to the expenditure and accounts of the Centre and of the Provinces as may be provided or required by Act of the Central Legislature.

6

197. The accounts of the Centre and of the Provinces shall be kept in such form as the Comptroller and Auditor-General, with the approval of the President, may determine.

Form of public accounts.

198. (1) The reports of the Comptroller and Auditor-General relating to the accounts of the Centre shall be submitted to the President, who shall cause them to be laid before the National Assembly.

Reports to be laid before Assemblies.

(2) The reports of the Comptroller and Auditor-General relating to the accounts of a Province shall be submitted to the Governor of the Province, who shall cause them to be laid before the Assembly of the Province.

Part X.—ISLAMIC INSTITUTIONS.

CHAPTER 1.—ADVISORY COUNCIL OF ISLAMIC IDEOLOGY.

199. There shall be an Advisory Council of Islamic Ideology. The Council.

200. The Council shall consist of such number of members, being not less than five and not more than twelve, as the President may determine. Constitution of Council.

201. (1) Members of the Council shall be appointed by the President on such terms and conditions as the President may determine. Appointment of members.

(2) The President shall, in selecting a person for appointment to the Council, have regard to the person's understanding and appreciation of Islam and of the economic, political, legal and administrative problems of Pakistan.

Term of Office.

202. (1) A member of the Council shall, subject to this Article, hold office for a period of three years from the date of his appointment.

(2) If a resolution recommending the removal of a member of the Council from office is passed by a majority of the total number of members of the Council, the President may remove that member from office, but a member shall not otherwise be removed from office.

(3) A member of the Council may resign his office by writing under his hand addressed to the President.

Chairman.

203. The President shall appoint one of the members of the Council to be the Chairman of the Council.

Functions of Council.

204. (1) The functions of the Council shall be—

(a) to make recommendations to the Central Government and the Provincial Governments as to means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam ; and

(b) to advise the National Assembly, a Provincial Assembly, the President or a Governor on any question referred to the Council under Article 6, that is to say, a question as to whether a proposed law disregards or violates, or is otherwise not in accordance with, the Principles of Law-making.

(2) When, under Article 6, a question is referred by an Assembly, the President or a Governor to the Council for advice, the Council shall, within seven days thereafter, inform the Assembly, the President or the Governor, as the case requires, of the period within which the Council expects to be able to furnish that advice.

(3) Where the Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question

arose should not be postponed until the advice is furnished, the law may be made before the advice is furnished.

205. The proceedings of the Council shall be regulated by rules of procedure to be made by the Council with the approval of the President.

Rules of procedure.

206. In this Chapter, "the Council" means the Advisory Council of Islamic Ideology.

Definition.

CHAPTER 2.—ISLAMIC RESEARCH INSTITUTE.

207. (1) There shall be an organization to be known as Islamic Research Institute, which shall be established by the President.

Islamic Research Institute.

(2) The function of the Institute shall be to undertake Islamic research and instruction in Islam for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis.

Part XI.—AMENDMENT OF CONSTITUTION.

208. Subject to this Part, this Constitution may be amended by an Act of the Central Legislature.

Amendment by Act of Central Legislature.

209. (1) A Bill to amend this Constitution shall not be presented to the President for assent unless it has been passed by the votes of not less than two-thirds of the total number of members of the National Assembly.

Assent of President.

(2) The following provisions of this Article shall apply in relation to such a Bill in lieu of the provisions of clauses (2) to (6) (inclusive) of Article 27.

(3) The President shall, within thirty days after a Bill to amend this Constitution is presented to him—

- (a) assent to the Bill;
- (b) declare that he withholds assent from the Bill; or

(c) return the Bill to the National Assembly with a message requesting that the Bill, or a particular provision of the Bill, be reconsidered and that any amendments specified in the message be considered,

but if the President fails to do any of those things within the period of thirty days, he shall be deemed to have assented to the Bill at the expiration of that period.

(4) If the President declares that he withholds assent from the Bill, the National Assembly shall be competent to reconsider the Bill and, if the Bill is again passed by the Assembly (with or without amendment) by the votes of not less than three-quarters of the total number of members of the Assembly, the Bill shall again be presented to the President for assent.

(5) If the President returns the Bill to the National Assembly, the Assembly shall reconsider the Bill and if—

(a) the Bill is again passed by the Assembly, without amendment or with the amendments specified by the President in his message or with amendments which the President has subsequently informed the Speaker of the Assembly are acceptable to him, by the votes of not less than two-thirds of the total number of members of the Assembly ; or

(b) the Bill is again passed by the Assembly, with amendments of a kind not referred to in paragraph (a) of this clause, by the votes of not less than three-quarters of the total number of members of the Assembly,

the Bill shall again be presented to the President for assent.

(6) When the Bill is again presented to the President for assent in pursuance of clause (4) or clause (5) of this Article, the President shall, within ten days after the Bill is presented to him—

(a) assent to the Bill ; or

- (b) cause to be referred to a referendum under Article 24 the question whether the Bill should or should not be assented to,

but if, within the period of ten days, the President fails to do either of those things and the Assembly is not dissolved, the President shall be deemed to have assented to the Bill at the expiration of that period.

(7) If, at a referendum conducted in relation to a Bill by virtue of paragraph (b) of clause (6) of this Article, the votes of a majority of the total number of members of the Electoral College are cast in favour of the Bill being assented to, the President shall be deemed to have assented to the Bill on the day on which the result of the referendum is declared.

210. A Bill to amend this Constitution which would have the effect of altering the limits of a Province shall not be passed by the National Assembly unless it has been approved by a resolution of the Assembly of the Province passed by the votes of not less than two-thirds of the total number of members of that Assembly.

Amendment
affecting limits
of a Province.

Part XII.—MISCELLANEOUS.

CHAPTER I.—GENERAL

211. (1) The Capital of the Republic shall be Islamabad situated in the district of Rawalpindi in the Province of West Pakistan at the site selected for the Capital of Pakistan before the enactment of this Constitution.

The Capital.

(2) The area of the Capital (in this Constitution referred to as "the Islamabad Capital Territory") shall be determined by the Central Legislature, but shall not be less than two hundred square miles.

(3) There shall be a second Capital of the Republic at Dacca in the Province of East Pakistan.

(4) The area of the second Capital (in this Constitution referred to as "the Dacca Capital Territory") shall be determined by the Central Legislature.

(5) The principal seat of the National Assembly shall be at Dacca.

(6) The principal seat of the Central Government shall, subject to clause (7) of this Article, be at Islamabad.

(7) Until provision is made for establishing the Central Government at Islamabad, the principal seat of that Government shall be at Rawalpindi in the Province of West Pakistan.

Personal liability does not attach in relation to Government contracts.

212. Where a contract or assurance is made or executed in exercise of the executive authority of the Republic or of a Province, neither the President nor the Governor, nor any other person making or executing the contract or assurance in exercise of that authority, shall be personally liable in respect of it.

Actions by and against the State.

213. The Central Government of Pakistan may sue and be sued by the name of Pakistan, and the Government of a Province may sue and be sued by the name of the Province.

Remuneration of President, etc.

214. (1) The remuneration and privileges of the President shall be the same as the remuneration and privileges to which, immediately before the commencing day, the President of Pakistan was entitled.

(2) Until other provision is made by law—

(a) the remuneration and privileges of the Speaker, a Deputy Speaker or a member of the National Assembly shall be the same as the remuneration and privileges to which the Speaker, a Deputy Speaker or a member, as the case may be, of the National Assembly of Pakistan in existence on the sixth day of October, One thousand nine hundred and fifty-eight, was entitled ; and

(b) the remuneration and privileges of the Speaker, a Deputy Speaker or a member of the Provincial Assembly of a Province shall be the same as the remuneration and privileges to which the Speaker, a Deputy Speaker or a member of the Provincial Assembly of that Province in existence on that date was entitled.

(3) The remuneration and privileges of a person holding office as—

- (a) a Governor ;
- (b) a Minister ;
- (c) a Parliamentary Secretary ;
- (d) the Speaker or a Deputy Speaker of an Assembly ;
- (e) the Comptroller and Auditor-General ; or
- (f) a member of a Public Service Commission,

shall not be varied to his disadvantage during his term of office.

(4) At any time when the Speaker or a Deputy Speaker of the National Assembly is acting as President, he shall be entitled to the same remuneration and privileges as a President but shall not exercise any of the functions of the office of Speaker or Deputy Speaker or of a member of the National Assembly or be entitled to remuneration or privileges as Speaker, Deputy Speaker or such a member.

215. (1) The national languages of Pakistan are Bengali and Urdu, but this Article shall not be construed as preventing the use of any other language and, in particular, the English language may be used for official and other purposes until arrangements for its replacement are made.

National
languages.

(2) In the year One thousand nine hundred and seventy-two, the President shall constitute a Commission to examine and report on the question of the replacement of the English language for official purposes.

216. (1) Notwithstanding anything in this Constitution or in any law, the President may, by public notification, direct that, for a period not exceeding three months from a specified date, a specified law, whether a Central Law or a Provincial Law, shall not apply to a specified major port or major aerodrome, or shall apply to a specified major port or major aerodrome subject to specified exceptions or modifications.

(2) The giving of a direction under this Article in relation to any law shall not affect the operation of the law prior to the date specified in the direction.

217. Any law which permits a person to own beneficially or possess beneficially an area of land greater than that which, immediately before the enactment of this Constitution, he could lawfully have owned beneficially or possessed beneficially shall be invalid.

218. When any act or thing is required by this Constitution to be done within a particular period and it is not done within that period, the doing of the act or thing shall not be invalid or otherwise ineffective by reason only that it was not done within that period.

219. (1) An oath required to be made by a person under this Constitution shall be made in a language that is understood by that person.

(2) Where, under this Constitution, an oath is required to be made before a specified person and, for any reason, it is impracticable for the oath to be made before that person, it may be made before such other person as may be nominated by that person.

(3) Where, under this Constitution, a person is required to make an oath before he enters upon an office, he shall be deemed to have entered upon the office on the day on which he makes the oath.

220. No organisation capable of functioning as a private army shall be formed except under the authority of law.

Private armies forbidden.

221. When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State.

Provision relating to the State of Jammu and Kashmir.

222. Until the Central Legislature by law otherwise provides, the President may, by Order, make provision for the government and administration of any part of Pakistan not forming part of a Province.

Government of territories outside Provinces.

223. (1) No Central Law shall apply to a Tribal Area or to any part of a Tribal Area unless the President so directs, and no Provincial Law shall apply to a Tribal Area or to any part of a Tribal Area unless the Governor of the Province in which the Tribal Area is situated, with the approval of the President, so directs, and in giving such a direction with respect to any law, the President or the Governor, as the case may be, may direct that the law shall, in its application to a Tribal Area or to a specified part of a Tribal Area, have effect subject to such exceptions and modifications as may be specified in the direction.

Tribal Areas.

(2) Notwithstanding anything in this Constitution, the President may, with respect to any matter within the legislative competence of the Central Legislature, make regulations for a Tribal Area or any part of a Tribal Area, and the Governor of a Province, with the approval of the President, may, with respect to any matter within the legislative competence of the Provincial Legislature, make regulations for a Tribal Area or any part of a Tribal Area situated in the Province.

(3) The President may, at any time, by Order, direct that the whole or any part of a Tribal Area shall cease to be a Tribal Area, and any such Order may contain such incidental and consequential provisions as may appear to the President to be necessary and proper, but before making any Order under this clause, the President shall ascertain, in such manner as he

may consider appropriate, the views of the people of the Area concerned.

(4) This Article shall not be construed as limiting in any way the executive authority of the Republic or of a Province in relation to a Tribal Area.

CHAPTER 2.—COMMENCEMENT OF CONSTITUTION, AND REPEAL AND CONTINUANCE OF LAWS.

Commencement.

224. (1) Subject to clause (2) of this Article, this Constitution shall come into force on the day on which the first meeting of the National Assembly is held.

(2) This Constitution shall, to the extent necessary—

- (a) to enable the first general elections of members of the National Assembly and of each Provincial Assembly to be conducted and for the first meeting of the National Assembly to be held ; and
- (b) to enable any other thing to be done which, for the purposes of this Constitution, it is necessary to do before the commencing day,

come into force upon the enactment of this Constitution.

(3) At any time before the commencing day or before the expiration of three months after the commencing day, the President may, for the purpose of removing any difficulties that may arise in bringing this Constitution, or any provision of this Constitution, into operation [whether in respect of the elections referred to in clause (2) of this Article or in any other respect] direct, by Order, that the provisions of this Constitution shall, during such period as is specified in the Order, have effect subject to such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient.

225. (1) Except as provided by this Article, all existing laws shall, subject to this Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate legislature.

Continuance in force of certain laws and repeal of other laws.

(2) The Presidential Proclamation made on the seventh day of October, One thousand nine hundred and fifty-eight, is revoked with effect as from the commencing day, and the Orders specified in the Table to this clause (and any Orders amending those Orders) are repealed with effect as from that day, but this clause shall not affect any existing laws made under those Orders.

<i>Number</i>	<i>Title</i>
No. 1 of 1958.	The Laws (Continuance in Force) Order, 1958.
No. 2 of 1958.	The Government (Presidential Cabinet) Order, 1958.
No. 2 of 1959.	The Legislative Powers Order, 1959.
No. 8 of 1959.	The State Arrangements Order, 1959.

(3) All Martial Law Regulations, except those specified in the Table to this clause, are repealed with effect as from the commencing day, and on that day each Martial Law Regulation so specified shall be deemed to have become an Act of the Central Legislature and shall, with the necessary adaptations, have effect as such.

<i>Date</i>	<i>Title</i>
7th February, 1959.	West Pakistan Land Reforms Regulation.
23rd July, 1959.	Rawalpindi (Requisition of Property) Regulation, 1959.
16th June, 1960.	Pakistan Capital Regulation.
23rd August, 1961.	Scrutiny of Claims (Evacuee Property) Regulation.
17th March, 1959.	West Pakistan Border Area Regulation, 1959.

(4) For the purpose of bringing the provisions of any existing law into accord with the provisions of this Constitution (other than Part II of this Constitution), the President may,

within a period of two years after the commencing day, make, by Order, such adaptations, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any Order so made shall have effect (or be deemed to have had effect) from such date, not being a date earlier than the commencing day, as may be specified in the Order.

(5) The President may authorize the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (4) of this Article in respect of laws relating to matters with respect to which the Legislature of the Province has power to make laws.

(6) The powers exercisable under clauses (4) and (5) of this Article shall be subject to the provisions of any Act of the appropriate legislature.

(7) In this Article, "existing laws" means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part of Pakistan, or having extra-territorial validity, immediately before the commencing day.

CHAPTER 3.—TRANSITIONAL AND TEMPORARY PROVISIONS.

First President.

226. (1) In accordance with the result of the referendum conducted during February, One thousand nine hundred and sixty, Field Marshal Mohammad Ayub Khan, Hilal-i-Pakistan, Hilal-i-Jura'at, shall, notwithstanding anything in this Constitution but subject to this Article, become the first President of Pakistan under this Constitution on the commencing day.

(2) The term of office of the President referred to in clause (1) of this Article is, notwithstanding clause (2) of Article 12, the period commencing on the commencing day and ending three years and sixty days after that day.

(3) If the person referred to in clause (1) of this Article is not holding office as President of Pakistan immediately before the commencing day, the person who is so holding office shall become the first President of Pakistan under this Constitution on that day, but he shall cease to hold office at the time when the first Speaker of the National Assembly enters upon his office as Speaker and an election for the office of President shall be held within ninety days after that time.

(4) The term of office of the person elected as the successor to the President referred to in clause (3) of this Article is, notwithstanding clause (2) of Article 12, the period commencing on the day on which he enters upon his office and ending three years and sixty days after the commencing day.

227. (1) Any reference in this Constitution to the President shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the person who at that time is President of Pakistan, and any reference in this Constitution to the Governor of a Province shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the person who at that time is Governor of the Province.

(2) Any reference in this Constitution to the Chief Justice or a Judge of the Supreme Court, or to the Chief Justice or a Judge of a High Court, shall, for the purposes of this Constitution at any time before the commencing day, be read as a reference to the Chief Justice of Pakistan, to a Judge of the Supreme Court of Pakistan as constituted at that time or to the Chief Justice or other Judge of the High Court of a Province as constituted at that time, as the case requires.

228. The Chief Election Commissioner shall, as soon as is practicable after the enactment of this Constitution, take such steps as are necessary for the holding of the first elections of members to the National Assembly and each Provincial Assembly.

Performance
of interim
functions by
President,
Governors
and Judges
before
commencing
day.

First Elections.

229. (1) This Article shall have effect until an Electoral College of Pakistan is constituted as provided in Article 158 but shall not affect the operation of any other provision of this Constitution that is not inconsistent with this Article.

(2) The members of the Electoral College of Pakistan shall be—

- (a) the persons who are the elected members of Union Councils, Union Committees and Town Committees under the Basic Democracies Order ; and
- (b) such other persons, representative of areas not divided into Wards under that Order, as are chosen in such manner as the Chief Election Commissioner may direct.

(3) As soon as is practicable after the enactment of this Constitution, each member of the Electoral College as Constituted in accordance with this Article shall, in such manner as the President may determine, make an oath in such form set out in the First Schedule as is applicable to members of the Electoral College of Pakistan.

(4) The Chief Election Commissioner shall from time to time arrange the members of the Electoral College as constituted in accordance with this Article into groups so that there are one hundred and fifty such groups for each Province and the persons in each group represent, so far as is practicable, adjacent areas.

(5) The persons included in a group referred to in clause (4) of this Article shall be the constituents for one seat (not being a seat reserved exclusively for women) in the Assembly of the Province in which the group is included.

(6) The Chief Election Commissioner shall also from time to time arrange the members of the Electoral College as constituted in accordance with this Article into other

groups so that there are seventy-five such groups for each Province and the persons in each group represent, so far as is practicable, adjacent areas.

(7) The persons included in a group referred to in clause (6) of this Article shall be the constituents for one seat (not being a seat reserved exclusively for women) in the National Assembly.

(8) The President may, by Order, make such provision with respect to any election or referendum as, under this Constitution, is permitted or required to be made by law.

(9) There shall be substituted for the qualification for election to an Assembly set out in paragraph (a) of clause (1) of Article 103 such other qualification as the Commissioner may direct.

(10) The validity of anything done by the Chief Election Commissioner under this Article shall not be called in question in any manner before or by any Court or authority whatsoever.

(11) In this Article, "the Basic Democracies Order", means the Basic Democracies Order, 1959, as amended and in force from time to time.

230. (1) Unless it is sooner dissolved, the first National Assembly elected under this Constitution shall, notwithstanding clause (1) of Article 21, continue for a term of three years from the day on which the first meeting of that Assembly is held.

Terms of first
National
Assembly and
Provincial
Assemblies.

(2) Unless it is sooner dissolved, the first Assembly of a Province elected under this Constitution shall, notwithstanding clause (1) of Article 72, continue for a term of three years from the day on which the first meeting of that Assembly is held.

231. Until rules of procedure are made by an Assembly under clause (1) of Article 110, the procedure of the Assembly shall be regulated by rules of procedure made—

- (a) in the case of the National Assembly—by the President ; and
- (b) in the case of the Assembly of a Province—by the Governor of the Province.

232. (1) All property and assets which, immediately before the commencing day, were vested in the Government of Pakistan shall, as from that day, vest in the Central Government, unless they were used for purposes which, on that day, became purposes of the Government of a Province, in which case they shall, as from that day, vest in the Government of the Province.

(2) All property and assets which, immediately before the commencing day, were vested in the Government of a Province shall, as from that day, continue to be vested in the Government of that Province, unless they were used for purposes which, on that day, became purposes of the Central Government, in which case they shall, as from that day, vest in the Central Government.

(3) All rights, liabilities and obligations of the Government of Pakistan or of the Government of a Province, whether arising out of contract or otherwise, shall, as from the commencing day, continue to be respectively the rights, liabilities and obligations of the Central Government or of the Government of the Province except that—

- (a) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Government of Pakistan, but which, under this Constitution, has become the responsibility of the Government of a Province, shall devolve upon the Government of that Province ; and

(b) all rights, liabilities and obligations relating to any matter which, immediately before that day, was the responsibility of the Government of a Province, but which, under this Constitution, has become the responsibility of the Central Government, shall devolve upon the Central Government.

(4) Nothing in this Article shall apply to or in relation to property, assets, rights, liabilities or obligations relating to railways.

233. (1) The President shall, on or before the first day of July, One thousand nine hundred and sixty-two, provide for the transfer, on such terms and conditions as he may determine, of the railways in each Province to the Government of the Province or to an authority constituted in the Province for that purpose.

Transfer of
railways to
Provinces.

(2) Until the railways in a Province are transferred to the Government of the Province under this Article, the executive authority of the Republic extends to the administration of the railways in the Province and to the execution of any law applying in that Province in relation to railways.

234. (1) Subject to this Constitution and the law, any person who, immediately before the commencing day, was in the service of Pakistan shall, as from that day, continue in the service of Pakistan on the same terms and conditions as were applicable to him immediately before that day.

Continuance in
office of persons
in service of
Pakistan, etc.

(2) Clause (1) of this Article shall apply in relation to a person holding office immediately before the commencing day as—

- (a) Chief Justice of Pakistan or other Judge of the Supreme Court of Pakistan, or Chief Justice or other Judge of a High Court of a Province ;
- (b) Attorney-General for Pakistan or Advocate-General for a Province ;

- (c) Comptroller and Auditor-General of Pakistan ; or
- (d) Chairman or other member of a Public Service Commission,

but shall not apply in relation to a Governor of a Province or a Minister.

(3) A person referred to in paragraph (d) of clause (2) of this Article shall, notwithstanding clause (1) of Article 184, hold office, subject to this Constitution, for the remainder of the term for which he was appointed.

(4) Any person who, under this Article, is continued in an office in respect of which a form of oath is set out in the First Schedule shall, as soon as is practicable after the commencing day, make before the appropriate person an oath in that form or, if he is not a citizen of Pakistan, in that form appropriately modified.

(5) Subject to this Constitution and the law—

(a) all civil, criminal and revenue courts exercising jurisdiction and functions immediately before the commencing day shall, as from that day, continue to exercise their respective jurisdictions and functions ; and

(b) all authorities and all officers (whether judicial, executive, revenue or ministerial) throughout Pakistan exercising functions immediately before that day shall, as from that day, continue to exercise their respective functions.

235. (1) The President shall, before the commencing day, cause a statement of expenditure in relation to the affairs of the Government of Pakistan to be prepared in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and sixty-two, shall authenticate the statement by his

signature and shall, as soon as is practicable after the commencing day, cause the statement to be laid before the National Assembly.

(2) The statement shall, so far as is practicable, be in the same form as a Schedule of Authorized Expenditure required to be prepared under Article 43 and shall, for the purposes of paragraphs (c) and (d) of the definition of "new expenditure" set out in clause (4) of Article 40, and of clause (2) of Article 43, be deemed to be the Schedule of Authorized Expenditure in respect of the financial year ending on the thirtieth day of June, One thousand nine hundred and sixty-two.

(3) The statement prepared under this Article may, in relation to a project which will involve expenditure from the Central Consolidated Fund in years subsequent to the year ending on the thirtieth day of June, One thousand nine hundred and sixty-two, specify the estimated expenditure for that project for each of those subsequent years, and any expenditure so shown in the statement for a subsequent year shall, for the purposes of paragraph (a) of the definition of "new expenditure" set out in clause (4) of Article 40, be deemed to be expenditure approved for that year in pursuance of Article 42.

(4) The President may, in respect of expenditure in relation to the affairs of the Government of Pakistan for any financial year preceding the financial year commencing on the first of July, One thousand nine hundred and sixty-two, (being expenditure in excess of the authorized expenditure for that year) authorize the withdrawal of moneys from the Central Consolidated Fund.

(5) The provisions of this Article shall apply to and in relation to a Province, and for that purpose—

(a) any reference in those provisions to the President shall be read as a reference to the Governor of the Province;

- (b) any reference in those provisions to the Government of Pakistan shall be read as a reference to the Government of the Province;
- (c) any reference in those provisions to the National Assembly shall be read as a reference to the Assembly of the Province; and
- (d) any reference in those provisions to the Central Consolidated Fund shall be read as a reference to the Provincial Consolidated Fund of the Province.

Accounts not audited before commencing day.

236. The Comptroller and Auditor-General shall perform the same functions and exercise the same powers in relation to accounts which have not been completed or audited before the commencing day as, by virtue of this Constitution, he is empowered to perform or exercise in relation to other accounts, and Article 198 shall, with the necessary modifications, apply accordingly.

Continuance of taxes.

237. Notwithstanding anything in this Constitution, all taxes and fees levied under any law in force immediately before the commencing day shall continue to be levied until they are varied or abolished by Act of the appropriate legislature.

Defence Minister to be a senior officer of Defence Services.

238. (1) A person holding office as President at any time within the period of twenty years after the commencing day shall ensure that, for the purpose of advising the President in relation to the defence of Pakistan, at least one of the persons appointed by him as a Minister is a person who has held a prescribed rank in the Defence Services of Pakistan, unless the President has himself held such a rank in those Services.

(2) In clause (1) of this Article, "prescribed rank" means a rank not lower than that of Lieutenant-General in the Pakistan Army, and any equivalent rank in another branch of the Defence Services of Pakistan.

239. The Chief Election Commissioner shall, for the purposes of any election of members of the Assembly of the Province of West Pakistan to be held within the period of eight years after the enactment of this Constitution, ensure that any grouping under Article 160 or Article 229 is so carried out that not more than sixty members are elected to represent persons in the territory known immediately before the fourteenth day of October, One thousand nine hundred and fifty-five, as the Province of the Punjab.

240. Subject to the observance of the Principle of Policy that parity between the Provinces in all spheres of the Central Government should, as nearly as is practicable, be achieved, any quota relating to the recruitment of persons to the service of Pakistan in relation to the affairs of the Government of Pakistan that, immediately before the commencing day, applied to a particular region shall continue to apply until the expiration of a period of ten years after that day.

241. For the purposes of clause (1) of Article 175, a person deriving his nationality from the State of Jammu and Kashmir shall be deemed to be a citizen of Pakistan.

Preservation
of service
recruitment
quotas.

Nationals of
Jammu and
Kashmir.

CHAPTER 4.—INTERPRETATION.

242. In this Constitution, unless the context otherwise requires—

Definitions.

“ Advocate-General ” means the Advocate-General for a Province ;

“ agricultural income ” means agricultural income as defined for the purposes of the law relating to income tax ;

“ All-Pakistan Service ” means—

(a) a service common to the Centre and the Provinces which was an All-Pakistan Service immediately before the commencing day ; and

(b) any other service common to the Centre and the Provinces which is established by Act of the Central Legislature as an All-Pakistan Service;

“Article” means an Article of this Constitution;

“Assembly” means the National Assembly or a Provincial Assembly;

“Attorney-General” means the Attorney-General for Pakistan;

“borrow” includes the raising of money by the grant of annuities, and “loan” shall be construed accordingly;

“Central Government” means the executive Government of the Republic;

“Central Law” means a law made by or under the authority of the Central Legislature, and includes a law made by the President;

“Central Legislature” means the Central Legislature of Pakistan;

“Centre” means the Republic;

“Chief Justice”, in relation to the Supreme Court or a High Court, includes any person for the time being acting as Chief Justice of the Court;

“citizen” means a citizen of Pakistan;

“commencing day” means the day on which the first meeting of the first National Assembly is held;

“corporation tax” means any tax on income that is payable by companies and in respect of which the following conditions apply:—

(a) The tax is not chargeable in respect of agricultural income:

- (b) No deduction in respect of the tax paid by companies is, by any law which may apply to the tax, authorized to be made from dividends payable by the companies to individuals :
- (c) No provision exists for taking the tax so paid into account in computing for the purposes of income tax the total income of individuals receiving such dividends or in computing the income tax payable by, or refundable to, such individuals ;

“ Court ” means any court of law ;

“ debt ” includes a liability in respect of an obligation to repay capital sums by way of annuities, and a liability under any guarantee, and “ debt charges ” shall be construed accordingly ;

“ election ” does not include the choosing of the Speaker or a Deputy Speaker of an Assembly ;

“ Electoral College ” means the Electoral College of Pakistan ;

“ estate duty ” means a duty assessed on, or by reference to, the value of property passing upon death ;

“ financial year ” means a year commencing on the first day of July ;

“ Government of a Province ” means the executive Government of a Province ;

“ Governor ” means the Governor of a Province, and includes any person for the time being acting as the Governor of a Province ;

“ guarantee ” includes any obligation undertaken before the commencing day to make payments in the event of the profits of an undertaking falling short of a specified amount ;

“ High Court ” means the High Court of a Province ;

“Islamabad” means the Capital of the Republic referred to in clause (1) of Article 211;

“Judge”, in relation to the Supreme Court or a High Court, includes the Chief Justice of the Court and also includes—

- (a) in relation to the Supreme Court—a person who is acting as a Judge of the Court; and
- (b) in relation to the High Court—a person who is an Additional Judge of the Court;

“legislature” means the Central Legislature, each Provincial Legislature and any other authority or person empowered by or under this Constitution to make laws or to issue instruments having the force of law;

“Minister” means a member of the President’s Council of Ministers or of a Governor’s Council of Ministers;

“National Assembly” means the National Assembly of Pakistan;

“oath” includes solemn affirmation;

“Parliamentary Secretary” means a Parliamentary Secretary appointed by the President or by a Governor;

“pension” means a pension, whether contributory or not, of any kind whatsoever that may be payable to or in respect of any person, and includes retired pay or gratuity that may be so payable and any sum or sums that may be so payable by way of the return, with or without interest thereon or any addition thereto, of subscriptions to a provident fund;

“person” includes any body politic or corporate;

“President” means the President of Pakistan, and includes any person for the time being acting as the President of Pakistan;

- “property” includes any right, title or interest in property;
- “Province” means the Province of East Pakistan or the Province of West Pakistan;
- “Province of East Pakistan” means the territory known by that name immediately before the enactment of this Constitution;
- “Province of West Pakistan” means the territory known by that name immediately before the enactment of this Constitution;
- “Provincial Assembly” means the Assembly of a Province;
- “Provincial Government” means the executive Government of a Province;
- “Provincial Law” means a law made by or under the authority of a Provincial Legislature, and includes a law made by the Governor of a Province;
- “Provincial Legislature” means the Provincial Legislature of a Province;
- “public office” includes any office in the service of Pakistan and membership of an Assembly;
- “remuneration” includes salary, allowances and pension;
- “Republic” means the Republic of Pakistan;
- “Schedule” means Schedule to this Constitution;
- “service of Pakistan” means any service, post or office in connection with the affairs of the Centre or of a Province, and includes an All-Pakistan Service, any defence service and any other service declared to be a service of Pakistan by or under an Act of the Central Legislature or of a Provincial Legislature, but does not include service as Speaker, Deputy Speaker or other member of an Assembly or as a Parliamentary Secretary;
- “Speaker”, in relation to an Assembly, includes any person for the time being acting as the Speaker of the Assembly, but does not, in relation to the National Assembly, include the Speaker or a Deputy Speaker when he is acting as President;

“ Supreme Court ” means the Supreme Court of Pakistan ;

“ Supreme Judicial Council ” means the Supreme Judicial Council of Pakistan ;

“ taxation ” includes the imposition of any tax or impost, whether general, local or special, and “ tax ” shall be construed accordingly ;

“ tax on income ” includes a tax in the nature of an excess profits tax or a business profits tax ;

“ term of office ”, in relation to a President, means the period that, under this Constitution, is his term of office, notwithstanding that he ceases to hold office before the expiration of that period ;

“ Tribal Areas ” means the areas in the Province of West Pakistan which, on the thirteenth day of October One thousand nine hundred and fifty-five, were—

(a) the tribal areas of Baluchistan, the Punjab and the North-West Frontier ; and

(b) the States of Amb, Chitral, Dir and Swat, and the area in the Province of East Pakistan known as Chittagong Hill Tract ;

“ writing ” includes any mode of representing or reproducing words in a visible form.

243. For the purposes of this Constitution, periods of time shall be reckoned according to the Gregorian calendar.

244. For the purposes of this Constitution, the security of Pakistan shall be taken to include the safety, welfare, stability and integrity of Pakistan and of each part of Pakistan, but shall not be taken to extend to public safety as such.

245. In this Constitution—

(a) words importing the masculine gender shall be taken to include females ; and

Gregorian calendar to be used.

Security of Pakistan.

Masculine includes female, and singular includes plural.

(b) words in the singular shall include the plural and words in the plural shall include the singular.

246. Any reference in this Constitution to the predecessor or successor of a President shall, in the case of a President who has been re-elected to office, be read as a reference to himself as he held office before or holds office after re-election, as the case may be.

President
succeeding
himself in
office.

247. For the purposes of this Constitution, a person who acts in an office shall not be regarded as the successor to the person who held that office before him or as the predecessor to the person who holds that office after him.

Person acting
in office not
to be regarded
as successor
to previous
occupant of
office, etc.

248. Any reference in this Constitution to the declaration of the result of an election of members of an Assembly shall be read as referring only to the declaration of the result of the election in relation to seats not reserved exclusively for women.

Meaning of
declaration
of result of
election.

249. Where particular matters are specified in the Third Schedule as being included in a general matter enumerated in that Schedule, those particular matters shall not be taken as limiting the generality of that general matter.

Third
Schedule.

250. Where a law is repealed, or is deemed to have been repealed, by, under, or by virtue of this Constitution, the repeal shall not—

Effect of
repeal of law

- (a) revive anything not in force or existing at the time at which the repeal takes effect ;
- (b) affect the previous operation of the law or anything duly done or suffered under the law ;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law ;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law ; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the law had not been repealed.

THE SCHEDULES.

FIRST SCHEDULE.

Oaths of Office.

President.

Article 11.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Governor of a Province.

Article 68.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as the Governor of the Province of _____, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Chief Justice or Judge of the Supreme Court or a High Court.

Articles 51 and 93.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Chief Justice (or a Judge) of the Supreme Court of Pakistan (or the High Court of the Province of _____), I will discharge my duties, and perform my functions, honestly, to the best of my ability, and faithfully in accordance with the Constitution and the law :

That I will not allow my personal interest to influence my conduct or decisions as a Judge :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do justice according to law, without fear or favour, affection or ill-will.

Minister.

Articles 34 and 83.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the President's Council of Ministers (or the Governor's Council of Ministers for the Province of _____), I will perform my functions honestly, to the best of my ability, faithfully in accordance with the Constitution and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Speaker of National Assembly.

Article 108.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Speaker of the National Assembly of Pakistan and whenever I am called upon to act as the President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law (and, as Speaker of the Assembly, in accordance with its Rules) and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Deputy Speaker of National Assembly.

Article 108.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker of the National Assembly of Pakistan or to act as the President of Pakistan, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law (and when acting as Speaker of the Assembly, in accordance with its Rules), and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Speaker of a Provincial Assembly.

Article 108.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Speaker of the Provincial Assembly of _____, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution, the law and the Rules of the Assembly, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Deputy Speaker of a Provincial Assembly.

Article 108.

I, _____, do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, whenever I am called upon to act as Speaker of the Provincial Assembly of _____, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution, the law and the Rules of the Assembly, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions :

That I will preserve, protect and defend the Constitution :

And that, in all circumstances, I will do right to all manner of people, according to law, without fear or favour, affection or ill-will.

Member of an Assembly.

Article 106.

I, _____,
do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the National Assembly of Pakistan (or the Assembly of the Province of _____), I will perform my functions honestly, to the best of my ability, faithfully in accordance with the Constitution, the law and the Rules of the Assembly, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

And that I will preserve, protect and defend the Constitution.

Member of Electoral College.

Articles 159 and 229.

I, _____,
being a member of the Electoral College of Pakistan, and realising the solemnity of the duty that has been entrusted to me by those who elected me and my responsibility for performing that duty in the best interest of Pakistan, do solemnly swear that, when called upon to cast my vote in an election, I will make my choice between the several candidates for election honestly, without regard to personal gain or interest, and without fear or favour, affection or ill-will, and will cast my vote in favour of the candidate who, in my honest judgment, has the greatest concern for the solidarity, integrity, well-being and prosperity of Pakistan, is the most honest, reliable and conscientious in his personal affairs and is most to be trusted to act in the public interest.

Chief Election Commissioner.

Article 148..

I, _____,
do solemnly swear that, as Chief Election Commissioner, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

Comptroller and Auditor-General.

Article 192.

I, _____,
do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as Comptroller and Auditor-General of Pakistan, I will discharge my duties, and perform my functions, honestly, faithfully and to the best of my knowledge, ability and judgment, and without fear or favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

Public Service Commission.

Article 183.

I, _____,
do solemnly swear that I will bear true faith and allegiance to Pakistan :

That, as a member of the _____
Commission, I will discharge my duties, and perform my functions, honestly, to the best of my ability, faithfully in accordance with the Constitution and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan :

That I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions (whether in the selection of persons for recruitment or promotion, or in any other way) I will act without fear or favour, affection or ill-will.

SECOND SCHEDULE.

Article 124

REMUNERATION AND TERMS AND CONDITIONS OF SERVICE OF JUDGES

The Supreme Court.

1. There shall be paid to the Chief Justice of the Supreme Court a salary of Rs. 5,500 *per mensem*, and to every other Judge of the Supreme Court a salary of Rs. 5,100 *per mensem*.
2. Every Judge of the Supreme Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the Supreme Court of Pakistan were entitled.

The High Courts.

1. There shall be paid to the Chief Justice of a High Court a salary of Rs. 5,000 *per mensem*, and to every other Judge of a High Court a salary of Rs. 4,000 *per mensem*.
2. Every Judge of a High Court of a Province shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the High Court of the Province were entitled.

THIRD SCHEDULE.

Article 131.

MATTERS WITH RESPECT TO WHICH THE CENTRAL LEGISLATURE HAS EXCLUSIVE POWER TO MAKE LAWS.

1. Defence of Pakistan and of each part of Pakistan, including—

- (a) the Defence Services of Pakistan, any other armed forces (including civilian armed forces) raised or maintained by the Central Government of Pakistan and any other armed forces attached to or operating with any of the armed forces of Pakistan ;
- (b) military, naval and air force works ;
- (c) industries connected with defence ;
- (d) the manufacture of arms, firearms, ammunition and explosives ; and
- (e) cantonment areas, including—
 - (i) the delimitation of such areas ;
 - (ii) local self-government in such areas, the constitution of local authorities for such areas and the functions and powers of such authorities ; and
 - (iii) the control of housing accommodation (including control of rents) in such areas.

2. External Affairs, including—

- (a) relations and dealings of all kinds with other countries ;
- (b) international organisations and bodies, and the implementation of their decisions ;
- (c) the making and implementation of treaties, conventions and agreements with other countries ;

- (d) diplomatic, consular, trade and other representation in other countries ;
- (e) the declaration of war upon, and the making of peace with, any foreign country ;
- (f) offences against the laws of nations ; and
- (g) foreign and extra-territorial jurisdiction, Admiralty jurisdiction and piracy and offences committed on the high seas and in the air.

3. Admission of persons into, and departure of persons from, Pakistan, including—

- (a) immigration and emigration ;
- (b) passports, visas, permits for entry and exit and other such certificates ;
- (c) extradition and expulsion from Pakistan ;
- (d) pilgrimages to and from Pakistan ;
- (e) quarantine, including hospitals connected therewith ; and
- (f) seamen's and marine hospitals.

4. Citizenship, naturalization and aliens.

5. Trade and commerce between the Provinces and with other countries, including—

- (a) import and export across customs frontiers ; and
- (b) standards of quality of goods to be exported out of Pakistan.

6. National economic planning and national economic co-ordination.

7. Currency, coinage and legal tender.

8. Foreign exchange and negotiable instruments.

9. (a) Central banking : State Bank of Pakistan.

(b) Other banking (not including co-operative banking) with objects and business not confined to one Province.

10. Public debt of the Centre, including—

(a) the borrowing of money on the security of the Central Consolidated Fund ; and

(b) foreign loans.

11. Stock exchanges and futures markets with objects and business not confined to one Province.

12. Insurance.

13. Incorporation, regulation and winding-up of corporations, whether trading corporations or not (but not including co-operative societies, universities or municipal or local bodies), with objects and business not confined to one Province.

14. Copyright, patents, designs, inventions, trade marks and merchandise marks.

15. Navigation and shipping (including coastal shipping but not including shipping confined to one Province).

16. Air navigation and aircraft, including—

(a) airways and air services ; and

(b) aerodromes.

17. Light-houses and other provisions for safety of shipping and aircraft.

18. Declaration and delimitation of major ports and the constitution and powers of port authorities in such ports.

19. Standards of weights and measures.

20. Posts, including Post Office Savings Bank.
21. Telecommunications, including broadcasting and television.
22. Fishing and fisheries outside territorial waters.
23. Nuclear energy, including—
 - (a) mineral resources necessary for the generation of nuclear energy ;
 - (b) the production of nuclear fuels and the generation and use of nuclear energy ; and
 - (c) ionizing radiations.
24. Mineral oil and natural gas.
25. Industries owned wholly or partly by the Central Government or by a corporation set up by the Centre.
26. Property of the Centre, wherever situated, and the revenue from such property.
27. Survey of Pakistan, including geological surveys.
28. Meteorology and meteorological observation.
29. National libraries and museums.
30. Central agencies and central institutions for the promotion of special studies and special research.
31. Ancient and historical monuments declared to be of national importance.
32. Census.
33. Central intelligence and investigating organisations.
34. Preventive detention for reasons connected with defence, external affairs or the security of Pakistan, and persons subjected to such detention.

35. Elections to the office of President, to the National Assembly and to the Provincial Assemblies : The Chief Election Commissioner and Election Commissions.

36. Remuneration of the Speaker, Deputy Speakers and other members of the National Assembly.

37. Powers, privileges and immunities of the National Assembly and of members and committees of the National Assembly, including the enforcement of attendance of persons for giving evidence or producing documents before committees of the National Assembly.

38. Supreme Court, including—

- (a) the constitution, organisation, jurisdiction and powers of the Supreme Court ;
- (b) fees to be taken in that Court ; and
- (c) persons entitled to practice before that Court.

39. The service and execution outside a Province of the processes and the judgments, decrees, orders and sentences of courts, and of other authorities and tribunals, of the Province, and the recognition outside a Province of the laws, records and judicial proceedings of the Province.

40. Central Public Service Commission, All-Pakistan Services and services and posts connected with the affairs of the Centre.

41. Tourism.

42. Relief and rehabilitation of refugees : evacuation property.

43. Duties and taxes, as follows :

- (a) duties of customs (including export duties) ;
- (b) duties of excise (including duties on salt, tobacco, sugar, duties on alcoholic liquor, opium or other narcotics) ;
- (c) corporation taxes and taxes on income other than from personal income ;
- (d) estate and succession duties ;

- (e) taxes on the capital value of assets, not including taxes on capital gains on immovable property ;
- (f) taxes on sales and purchases ;
- (g) terminal taxes on goods or passengers carried by sea or air, and taxes on their fares and freights ; and
- (h) taxes on mineral oil, natural gas and minerals for use in the generation of nuclear energy.

44. Fees in respect of any of the matters enumerated in this Schedule, excluding fees taken in Courts (other than in the Supreme Court).

45. Inquiries and statistics for the purposes of any of the matters enumerated in this Schedule.

46. Jurisdiction and powers of courts with respect of any of the matters enumerated in this Schedule.

47. Offences against laws with respect to any of the matters enumerated in this Schedule.

48. Matters which under this Constitution are within the legislative competence of the Central Legislature or relate to the Centre.

49. Matters incidental or ancillary to any matter enumerated in this Schedule.

**LIST OF AGENTS IN PAKISTAN AND ABROAD FROM WHOM GOVERNMENT
OF PAKISTAN PUBLICATIONS ARE AVAILABLE**

I.—INLAND

1. PROVINCIAL GOVERNMENT BOOK DEPOTS :—

Manager, Government Printing and Stationery Department, Northern Area,
West Pakistan, Peshawar.

Manager, West Pakistan Government Book Depot and Record Office, Karachi.
Superintendent, Government Printing and Stationery, West Pakistan, Lahore.

**2. Registrar, Supreme Court of Pakistan, Lahore. (For Supreme Court Reports
only).**

3. EAST PAKISTAN :—

Deputy Controller, Stationery, Forms and Publications, 9, Jinnah Avenue,
Beauty House, P. O. Ramna, Dacca.

4. PRIVATE BOOK-SELLERS :—

Karachi :—

Messrs. Aero Stores, 170, Napier Road.

Messrs. Burhani Paper Mart, Campbell Street, P. O. Box No. 26.

Messrs. Dacca Book Stall, World News Agents, Victoria Road, Saddar.

Messrs. Ferozsons, Bunder Road.

Messrs. Firdous Stationers, Opp. New Memon Mosque, Bunder Road, 85.
Liaquat Market.

Messrs. G. A. Stationery Mart, 21, New Memon Masjid, Bunder Road.

Messrs. Habib Stationery Emporium, 1-2, Liaquat Market, Opp. New Memon
Masjid, Bunder Road.

Messrs. The Karachi Chamber of Commerce and Industry, Wood Street, P. O.
Box No. 4833.

Messrs. Mansoor Stationery Mart, Hassan Ali Effendi Road.

Messrs. Nomani Stationers, Kothari Building, Opp. Central Bank of India
Ltd., Napier Road.

Messrs. Pakistan Law House, Pakistan Chowk, Katchery Road.

Messrs. Pioneer Paper & Stationery House, 1, Avan Lodge, Opp. Dow Medical
College, Bunder Road.

Messrs. Rashid-ur-Rahman & Co., 16, P. M. A. Building, Nicol Road.

Messrs. Taher Book Depot, Tram Junction, Saddar.

Messrs. Windsor Book Stall, Elphinstone Street.

EAST PAKISTAN :—

Dacca :—

Messrs. Burhani Paper Mart, 11, Bangla Bazar.

Messrs. Book Syndicate, 157, Govt. New Market.

Messrs. Dacca Chamber of Commerce and Industry, 107, Kaliprashanna
Ghosh Street.

Messrs. Dacca Law Report, Shanti Nagar, Ramna.

Messrs. Farco's Publications, 146, Nawabpur Road.

Messrs. Mohiuddin & Sons, 143, New Market, Azimpur.

Messrs. Rehman Publishing Co., 8, Jinnah Avenue, Ramna.

Chittagong :—

Messrs. Chittagong Chamber of Commerce, Quaid-e-Azam Road.

Messrs. Muslim Chamber of Commerce.

Messrs. News Front, News Agents & Book-Sellers, 75, Jubilee Road.